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International Court of Justice

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Official transcript of the International Military Tribunal, in the matter of: The United States of America, the French Republic, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics, against Hermann Wilhelm Goering, et al, Defendants, sitting at Nurnberg, Germany, on 11 January, 1946, 1000-1245, Lord Justice Lawrence presiding.

LT. BRYSON: If the Tribunal please, before picking up our line of proof against the Defendant Schacht, I would like to supply a point of information.

Yesterday the President of the Tribunal inquired with respect to EC-457, U.S. Exhibit 619. The question raised by the Tribunal was with respect to the words "in retirement" in the letterhead used by Schacht in writing to Hitler in 1932. This is the letter in which Schacht expressed his belief in the truth of the Nazi movement, and in which he said that Hitler could always count upon him as a reliable assistant.

The letterhead has printed upon it, "The President of the Reichsbank" and after that phrase there is typed the letters "A.D", and I understand that those letters are an abbreviation for a German phrase meaning "in retirement" and that it is customary, or it was customary in Germany for retired officials to continue to use their titles with the letters "A.D."

THE PRESIDENT: I see.

LT. BRYSON: Yesterday we had just about completed our proof with respect to the contribution of the Defendant Schacht to the preparation for war, and I wish to submit one more document on this point. This is EC-451, U.S. Exhibit 626. It consists of a statement by George S. Messersmith, United States Consul General in Berlin 1930 to 1934. I will quote therefrom, beginning with the second sentence of the fourth paragraph:

"It was his (Schacht's) financial ability that enabled the Nazi regime in the early days to find the financial basis for the tremendous armament program and which made it possible to carry it through. If it had not been for his efforts, and this is not a personal observation of mine only but I believe was shared and is shared by every observer at the time, the Nazi regime would have been unable to maintain itself in power and to

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establish its control over Germany, much less to create the enormous war machine which was necessary for its objectives in Europe and later throughout the world.

"The increased industrial activity in Germany incident to rearmament made great imports of raw materials necessary while at the same time exports were decreasing. Yet by Schacht's resourcefulness, his complete financial ruthlessness, and his absolute cynicism, Schacht was able to maintain and to establish the situation for the Nazis. Unquestionably without this complete lending of his capacities to the Nazi Government and all of its ambitions, it would have been impossible for Hitler and the Nazis to develop an Armed Force sufficient to permit Germany to launch an aggressive war."

We turn now --

THE PRESIDENT (Interposing): Well, Lt. Bryson, I am not sure that gives a full or quite fair recapitulation of the document. Don't you think perhaps you ought to read the paragraph before?

LT. BRYSON: The preceding paragraph, sir?

THE PRESIDENT: Yes.

LT. BRYSON: "Dr. Schacht always attempted to play both sides of the fence. He told me, and I know he told both other American representatives in Berlin and various British representatives, that he disapproved of practically everything the Nazis were doing. I recall on several occasions his saying after the Nazi Party came into power, that if the Nazis were not stopped they were going to ruin Germany and the rest of the world with it. I recall distinctly that he emphasized to me that the Nazis were inevitably going to plunge Europe into war."

If the court please, I would like to read also from the last paragraph:

"In my opinion, Schacht was in no sense a captive of the Nazis. He was not compelled to devote his time and his capacities to their interest. His situation was such that he would most likely have been able either to work on a much less restrained scale or to abstain from activity entirely He continued to lend his services to the Nazi Government at every

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opportunity."

We turn now to the third part ofour case against Schacht. The evidence is clear that he willingly contributed his efforts to the Nazi conspiracy, knowing full well its aggressive designs. The Tribunal will recall our proof that Schacht was converted to the Nazi Philosophy in 1931 and helped Hitler come to power in 1933. We will now prove first that Schacht personally favored aggression, and second, that in any event he knew Hitler's aggressive intentions.

There is ample evidence to justify the conclusion that Schacht rearmed Germany in order to see fulfilled his strong belief in aggressive expansion as an instrument of German national policy. Schacht had long been a German nationalist and expansionist. He spoke against the Treaty of Versailles at Stuttgart as early as 1927. I offer in evidence EC-415, U.S. Exhibit 627, consisting of a collection of excerpts from speeches by Schacht. I quote from the top of page 2:

"The Versailles Dictate cannot be an eternal document, because not only its economic but also its spiritual and moral premises are wrong."

It is common knowledge that he strongly favored acquisition of colonial territory by Germany. However, he also favored acquisition of contiguous territory in Europe. On 16 April 1929, at the Paris Conference, in connection with reparations --

THE PRESIDENT (Interposing): Are you going to read the passage that follows that at a later stage?

LT. BRYSON: At a later stage, if you please, sir, in connection with another point.

THE PRESIDENT: Very well; go on.

LT. BRYSON: On 16 April 1929, at the Paris Conference in connection with reparations, he said:

"Germany can generally only pay if the Corridor and Upper Silesia will be handed back to Germany from Polish possession, and if besides somewhere on the earth colonial territory will be made available to Germany."

THE TRIBUNAL (Mr. Biddle): What are you talking from?

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LT. BRYSON: I offer in evidence U.S. Exhibit No. 628, consisting of excerpts from a pre-trial interrogation of Schacht on 24 August 1945.

THE TRIBUNAL (Mr. Biddle): Where is it here?

LT. BRYSON: You will find it in the document book at the back, labeled "Interrogation of 24 August." It is at the top of the first page of the interrogation. This statement was quoted to Schacht, and his reply contains an admission of having made the statement. In his reply he said:

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"That Germany could not pay at the time after I made the statement has been proved, and that Germany will not be able to pay after this war will be proved in the future."

I wish to point out that this is the very territory which was the subject of armed aggression in September, 1939.

In 1935, Schacht stated flatly that Germany would, if necessary, acquire colonies by force. I offer in evidence EC-450, designated as U. S. Exhibit No. 629. This document consists of an affidavit of S. R. Fuller, Jr., Together with a transcript of his conversation with Schacht at the American Embassy in Berlin on 23 September 1935. I wish to read from page 6 of the document where there appears a statement by Schacht in the lower half of the page.

THE PRESIDENT: What is the date of the conversation?

LT. BRYSON: The conversation occurred on 23 September 1935. The page numbers of this document are at the bottom, and I quote from page 6:

"Schacht. Colonies are necessary to Germany. We shall get them through negotiation, if possible, but if not, we shall take them."

THE PRESIDENT: It is on page 6, is it?

LT. BRYSON: If your Honor please, the page numbers are at the bottom of the page and not at the top.

THE PRESIDENT: I beg your pardon. There are two pages.

LT. BRYSON: Shall I repeat it again, sir?

THE PRESIDENT: I guess I have got it.

LT. BRYSON: In July 1936, when the rearmament program was well under way, Schacht again publicly spoke of the Versailles Treaty. This time his language contained an explicit threat of war. I refer the Tribunal again to EC-415, which was previously introduced in evidence as U. S. Exhibit 627, consisting of a collection of speeches by Schacht. I wish to read from the paragraph beginning in the middle of the first page:

"But the memory of war weighs undiminished upon the people's minds. That is because deeper than material wounds, moral wounds are smarting, inflicted by the so-called peace treaties. Material loss can be made up through renewed labor, but the moral wrong which has been inflicted upon the conquered peoples, in the peace dictates, leaves a burning scar on

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the people's conscience. The spirit of the Versailles has perpetuated the fury of war, and there will not be a true peace, progress or reconstruction until the world desists from this spirit. The German people will not tire of pronouncing this warning."

Later in the same year, Schacht publicly advocated the doctrine of "lebensraum" for the German people. I quote again from EC-415, U. S. Exhibit No. 627, being an excerpt from Schacht's speech at Frankfurt on 9 December 1936, on the second page, the last paragraph:

"Germany has too little living space for her population. She has made every effort, and certainly greater efforts than any other nation, to extract from her own existing small space whatever is necessary for the securing of her livelihood. However, in spite of all these efforts, the space does not suffice."

In January 1937, Schacht, in a conversation with Ambassador Davies, at least by inference threatened a breach of the peace in demanding a colonial cession. I offer in evidence L-111, being U. S. Exhibit 630, and consisting of excerpts from a report under date of 20 January 1937, by Ambassador Davies to the Secretary of State. I wish to read therefrom, beginning with the second sentence of the second paragraph:

"He (meaning Schacht) stated the following; that the present condition of the German people was intolerable, desparate and unendurable; that he had been authorized by his Government to submit proposals to France and England which would

"(1) Guarantee European peace;

"(2) Secure present European international boundaries;

"(3) Reduce armaments;

"(4) Establish a new form of a workable League of Nations;

"(5) Abolish sanctions with new machinery for joint administration; all based upon a colonial cession that would provide Germany an outlet for population, source for food stuffs, fats and raw materials."

In December, 1937, Ambassador Dodd noted in his diary that Schacht would be willing to risk war for the sake of new territory in Europe. I refer the Tribunal to EC-461, consisting of excerpts from Ambassador Dodd's diary.

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THE PRESIDENT: The proposal contained in Document 111 was for cession of colonies, wasn't it?

LT. BRYSON: It was, sir.

I turn now to EC-461, consisting of excerpts from Ambassador Dodd's Diary. The entire diary has previously been received in evidence as U.S. Exhibit No. 58.

I quote some notes on a conversation with Schacht on 21 December 1937, beginning near the bottom of the second page of Ec. 461, in the last paragraph:

"Schacht meant what the army chiefs of 1914 meant when they invaded Belgium, expecting to conquer France in six weeks; that is, domination and annexation of neighboring little countries, especially North and East. Much as he dislikes Hitler's dictatorship he, as most other eminent Germans, wishes annexation without war if possible; with war if the United States will keep hands off."

THE PRESIDENT: There is another passage in that book, that diary. I don't know if it is the same date. I am not sure; it probably isn't the same date, but it is on the first page of the Exhibit, I think, the third paragraph. Is it at a different time?

LT. BRYSON: It is a different time, sir.

THE PRESIDENT: September the 19th of what year?

LT. BRYSON: We will check that in the complete volume here, and I think in a minute I will be able to supply the date. In the meantime, would you like me to read, sir?

THE PRESIDENT: Yes, I think you had better read it.

LT. BRYSON: (quoting) "He then acknowledged that the Hitler Party is absolutely committed to war and the people, too, are ready and willing. Only a few government officials are aware of the dangers and are opposed."

He concluded: "But we shall postpone it ten years. Then it may be we can avoid war."

THE PRESIDENT: Well, I think you should read the next paragraph, too.

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LT. BRYSON: And to continue: "I reminded him of his Bad Eilsen speech some two weeks ago and said, 'I agree with you about commercial and financial matters in the main, but why do you not, when you speak before the public, tell the German people they must abandon a war attitude?' He replied, 'I dare not say that. I can only speak on my special subjects.'"

THE PRESIDENT: And the next one.

LT. BRYSON: And the next one: "How then can German people ever learn the real dangers of war, if nobody ever presents that side of the question? He once more emphasized his opposition to war and added that he had used his influence with Hitler--'a very great man', he interjected--to prevent war. I said, 'The German papers printed what I said at Bremen.'"

THE PRESIDENT: Too fast.

LT. BRYSON: I beg your pardon. "'The German papers printed what I said at Bremen about commercial relations between our countries, but not a word about the terrible effects and barbarism of war.' He acknowledged that and talked very disapprovingly of the Propaganda Ministry, which supresses everything it dislikes. He added as I was leaving, 'You know, a party comes into office by propaganda, and then cannot disavow it or stop it.'"

The date of this conversation was in September 1934.

THE PRESIDENT: 1934?

LT. BRYSON: 1934 .

THE PRESIDENT: It is a pity that those years are not stated in the document. It is rather misleading as it is.

LT. BRYSON: If the Court please, the Exhibit which is in evidence will show the dates.

THE PRESIDENT: Yes. I am not blaming you, but it is misleading, because it looks like September the 19th and December the 21st, and there were three years' interval between. It makes a difference. That is right, isn't it?

LT. BRYSON: Yes. That is not three years, sir. Yes, that's right. But I am sorry the excerpt simply shows the page numbers from the Exhibit, and not the dates.

Schacht admittedly strained all the resources of Germany to build up a Wehrmacht which would provide Hitler with an instrument for realization of his

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desire for lebensraum. In this connection, I offer in evidence EC 369, US Exhibit No. 631, consisting of a memorandum from the Reichsbank Directorate, signed by Schacht, to Hitler, dated 7 January 1939. I wish to read the last paragraph of the first page:

"From the beginning the Reichsbank had been aware of the fact that a successful foreign policy can be attained only by the reconstruction of the German aremd forces. It (the Reichsbank) therefore assumed to a very great extent the responsibility to finance the rearmament in spite of the inherent dangers to the currency. The justification thereof was the necessity, which pushed all other considerations into the background, to carry through the armament at once, out of nothing and furthermore under camouflage, which made a respect-commanding foreign policy possible."

It is clear that the quote "successful foreign policy", which Schacht thus attributed to rearmament, included the Austrian and Czechoslovakian acquisitions. I offer in evidence EC 297A, US Exhibit 632, being a speech of Schacht's in Vienna after the Anschluss in March, 1939. I quote from the third page and the second full paragraph:

"Thank God, these things could after all not hinder the great German people on their way, for Adolf Hitler has created a communion of German will and German thought. He bolstered it up with the newly strengthened Wehrmacht, and he then finally gave the external form to the internal union between Germany and Austria."

With respect to the Sudetenland, I refer the Tribunal to EC 611, already in evidence, as US Exhibit No. 622, being a speech by Schacht.

THE PRESIDENT: EC --?

LT. BRYSON: EC 611. But I will not read it sir--being a speech by Schacht on 29 November 1938, shortly after the Munich settlement. I have earlier read the pertinent remark attributing Hitler's success at that conference to the rearmament made possible by Schacht's financial and economic measures.

This line of proof shows that Schacht entertained an aggressive philosophy with respect to territorial expansion, and justifies the conclusion that he allied himself with Hitler because of their common viewpoint.

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We turn now to proof that, whether or not Schacht wanted war, he at least knew Hitler planned military aggression, for which he was creating the means. He had numerous discussions with Hitler from 1933 to 1937. He knew that Hitler was intent upon expansion to the east, which would mean war, and that Hitler felt he must present the German people with a military victory. I offer in evidence US Exhibit 633, consisting of an excerpt from a pre-trial interrogation of Schacht on 13 October 1934, and I read from the second page at the end of the second question:

"Q. What was there in what he (meaning Hitler) said that led you to believe he was intending to move towards the east?

"A. That is in 'Mein Kampf'. He never spoke to me about that, but it was in 'Mein Kampf'."

THE PRESIDENT: Perhaps this is meant for the 13th of October?

LT. BRYSON: This is the 13th of October, the second page, and at the end of the --

THE PRESIDENT: Yes, I have it.

LT. BRYSON: (quoting) "What was there in what he (meaning Hitler) said that led you to believe he was intending to move towards the east?

"A. That is in 'Mein Kampf'. He never spoke to me about that, but it was in 'Mein Kampf'.

"Q. In other words, as a man who read it, you understood that Hitler's expansion policy was directed to theeast?

"A. To the east."

I also offer in evidence EC 458. To continue from the interrogation of 13 October:

"Q. And you thought that it would be better to try to divert Hitler from any such intention and to urge upon him a colonial

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policy instead?

"A". Quite."

I also offer in evidence EC 458, US Exhibit 634, consisting of an affidavit of Major Edmund Tilley under date of 21 November 1945, with respect to an interview of Schacht on 9 July 1945. I read the second paragraph:

"During the course of the discussion Schacht stated to me that he had had numerous talks with Hitler from 1933 to 1937. Schacht stated that from these talks he had formed the impression that in order to make his hold and government secure, the Fuehrer felt that he must present the German people with a military victory."

As early as 1934, Schacht stated his belief that the Nazis would bring war to Europe. I refer the Tribunal to EC 451, which I have already submitted in evidence as US Exhibit 626, consisting of an affidavit under date of 15 November 1945, by Messersmith, American Consul General in Berlin 1930 to 1934. I wish to read from the first page, third paragraph, last sentence.

THE PRESIDENT: You have read it already.

LT. BRYSON: If the Court please, there is a little more there which we have not read, which I should like to read.

THE PRESIDENT: You read the whole paragraph. At our invitation you read from the third paragraph down to the bottom of the page.

LT. BRYSON: I should like to read the first sentence of the fourth paragraph on page 1.

THE PRESIDENT: All right.

LT. BRYSON: (quoting) "While making these protestations, he nevertheless showed by his acts that he was thoroughly an instrument of the whole Nazi program and ambitions, and that he was lending all his extraordinary knowledge and resourcefulness towards the accomplishment of that program."

THE PRESIDENT: Lieutenant Bryson, speaking for myself and for some other members of the Tribunal, we think it is a far better way to deal with a document -- to deal with it, if possible, once and for all, and not to be coming back to it. It not only wastes time by the fact that the Tribunal

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have got to turn back and forth, back and forth, to the document, but you get a much fairer idea of the document if it is dealt with once and for all, although it may cover more than one subject. I say that, for it may be impossible for you to do that now, in consonance with the preparations that you have made, but those who follow you may be able to alter their course; if it is possible, when you get a document with a variety or a number of paragraphs in it which you want to quote, that you should quote them all at the same time, if possible. Do you follow what I mean?

LT. BRYSON: I follow you, your Honor. We have so organized our materials that we have directed our evidence to specific points, and since the points are separated, we have to separate our quotations.

THE PRESIDENT: I realize that it may be difficult for you.

LT. BRYSON: In September of 1934, Ambassador Dodd made a record in his diary of a conversation with Sir Eric Phipps at the British Embassy in Berlin. If the Court please, I will pass over this document, because in response to a question from the Tribunal, I read an excerpt from the document which covers the same point that I was about to direct myself toward.

I had just pointed out that Schacht had acknowledged to Ambassador Dodd in September, 1934, his knowledge of the war purposes of the Nazi Party, and we had already shown that in 1935 Schacht had stated that Germany would, if necessary, acquire colonies by force. He must then have known to what length Hitler was prepared to go.

After attending a meeting of the Reich Ministers on 27 May 1936 in Berlin, Schacht must have known that Hitler was contemplating war. Your Honors may recall, as has been earlier shown, that at this meeting the Defendant Goering, who was very close to Hitler, stated that all measures are to be considered from the standpoint of an assured waging of war, and that waiting for new methods is no longer appropriate. I refer the Tribunal to 1301-PS, from which I will not read, as the quotation is already in evidence in US Exhibit No. 123.

On 31 August 1936 the War Minister von Blomberg sent to Schacht a copy

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of von Blomberg's letter to the Defendant Goering. I refer the Tribunal again to 1301-PS, previously submitted in evidence as US Exhibit 123, and read from the middle of page 19 of the document. The page numbers, if the Court please, on this document are found in the upper left-hand corner.

"According to an order of the Fuehrer, the setting up of all Air Force units is to be completed on 1 April 1937. Therefore considerable expenditures have to be made in 1936 which at the time that the budget for 1936 was made were planned for later years only."

This intensification of the air force program certainly revealed to Schacht the closeness to war which Hitler must have felt.

I also offer in evidence EC 416, US Exhibit No. 635, consisting of minutes of the Cabinet meeting of 4 September 1936, which Schacht attended. I read the statement by Goering found at the top of page 2 of this document:

"The Fuehrer and Reichskanzler has given a memorandum to the Colonel General and the Reich War Minister which represents a general instruction.

"It starts from the basic thought that the showdown with Russia is inevitable."

Schacht thus knew that Hitler expected war with Russia. He also knew of Hitler's ambition towards the east. It must have been plain to him, therefore, that sucha war would result from Russian opposition to German military expansion in that direction; that is, Schacht must have know that it would be a war of German aggression.

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In January, 1937, the Tribunal will recall, Schacht stated to Ambassador Davies in Berlin that he had "been authorized by his government" to submit certain proposals to France and England,which, in fact, amounted to a bid for colonies under threat of war. If Schacht was acting under instructions from Hitler, he was necessarily familiar with Hitler's aggressive intentions at that time.

In November of 1937 Schacht knew Hitler was determined to acquire Austria and at least autonomy for the Germans of Bohemia and that Hitler also had designs on the Polish Corridor. I refer the Tribunal to L-151, already in evidence as U. S. Exhibit No. 70, this being a letter containing a memorandum of a conversation between Schacht and Ambassador Bullit dated 23 November 1937. I quote the last paragraph on Page 2:

"Hitler was determined to have Austria eventually attached to Germany, and to obtain at least autonomy for the Germans of Bohemia. At the present moment he was not vitally concerned about the Polish Corridor, and in his (Schacht's) opinion it might be possible to maintain the Corridor provided Danzig were permitted to join East Prussia and provided some sort of a bridge could be built across the Corridor uniting Danzig and East Prussia with Germany".

To digress for just a moment, Schacht here was really speaking for himself as well as for Hitler. We have seen from his speech of 29 March 1938 in Vienna his enthusiasm for the Anschluss after the event. He was even then working hard for its achievement. In this connection, I refer the Tribunal to Pages 506 to 507 of the transcript for evidence of Schacht's having subsidized the Nazis' preliminary agitation in Austria.

In addition to the foregoing direct evidence, the Tribunal is asked to take into consideration the fact that to such a man as Schacht the events of the period certainly bespoke Hitler's intention. Schacht was a close collaborator of Hitler and a member of the cabinet during the period of the Nazi agitation in Austria, the introduction of conscription, the march into the Rhineland, the overthrow of the Republican Government of Spain, the ultimate conquest of Austria, and the acquisition of the Sudetenland by a show of force. During this period the Reichs debt tripled under the stress of mounting armament. The expenditure rose from three-quarters of a billion Reichsmarks in 1932 to

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eleven billion Reichsmarks in 1937 and fourteen billion Reichsmarks were spent on armaments. It was a period in which the burning European issue was the satisfaction of Germany's repeated demands for additional territory. Hitler, committed to a policy of expansion, was taking great risks in foreign policy and laying the greatest stress upon the utmost speed in preparation for war.

Certainly in this setting Schacht did not proceed in ignorance of the fact that he was assisting Hitler and Germany along the road to armed aggression.

We turn now to our last line of proof, with respect to Schacht's loss of power in the Hitler regime. In November 1937 Schacht resigned his offices as Minister of Economics and General Plenipotentiary for the War Economy. At that time he accepted the appointment as Minister without Portfolio, and he also continued as President of the Reichsbank.

Our evidence will show (a) this change in position was no more than a clash between two power-seeking personalities, Goering and Schacht, in which Goering, being the closer to Hitler, won out; (b) their policy differences were concerned only with the method of re-arming and (c) Schacht's loss of power in no sense implies an unwillingness to assist armed aggression.

There was an issue of policy between Goering and Schacht, but it was concerned only with the method and not the desirability of war preparations. Schacht emphasized foreign trade as a necessary source of re-armament material during the transitory period until Germany should be ready to strike. Goering was a proponent of complete self-sufficiency. Hitler supported Goering, and Schacht, his pride wounded and bitterly resenting Goering's intrusion in the economic field, finally stepped out.

I refer the Tribunal to 1301-PS, previously submitted in evidence as U.S. Exhibit No. 123, containing notes of a conversation between Schacht and Thomas on 2 September 1936. These are found on Page 21 of the document, from which I quote:

"President Schacht called me to him today at 1300 and requested me to forward the following to the Minister of War:

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"Schacht returned from the Fuehrer with the greatest anxiety, since he could not agree to the seconmic program planned by the Fuehrer.

"The Fuehrer wants to speak at the Party convention about economic policy and wants to emphasize there that we now want to get free with all our energy from foreign countries by production in Germany.

"Schacht requests urgently the the Reichminister of War warn the Fuehrer from this step."

And three paragraphs down:

"If we now shout out our decision abroad, to make ourselves economically independent, then we cut our own throats, because we can no longer survive the necessary transitory period".

Nevertheless, Hitler announced the Four Year Plan of self-sufficiency a few days later in Nurnberg, and, against Schacht's wishes, Goering was named Plenipotentiary of the Four Year Plan.

At this point I refer the Tribunal again to the interrogation of Schacht on 16 October 1945, being US Exhibit 636. I wish to read beginning near the bottom of Page 9 of the document:

"Q And the Four-Year Plan came in when?

"A It was announced in September '36, on the Party Day.

"Q Do you say that from the time that the Four Year Plan came in in September 1936, you were allready to rid yourself of your economic duty?

"A No. At that time I thought that I might maintain my position even against Goering.

"A That he would not interfere with affairs which I had to manage in my Ministry.

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"Q As a matter of fact, his appointment was not met with favor by you?

"A I would not have appointed a man like Goering who didn't understand a bit about all these things."

Schacht and Goering immediately became embroiled in a conflict of jurisdiction. On 26 November 1936 Goering issued a directive regarding raw and synthetic material production. I offer in evidence EC 243, Exhibit No. 637, consisting of a copy of this directive. It shows that Goering's office for raw and synthetic materials pre-empted control over large economic areas previously in the hands of Schacht. As an example, I'll quote from Paragraph 5 on Page 4 of the document:

"The planning and determination of objectives, as well as the control over the execution of the tasks which must be accomplished within the framework of the Four Year Plan, are the responsibility of the Office for German Raw and Synthetic Materials, which supersedes the authorities which have heretofore been in charge of these tasks."

On 11 December 1936, Schacht found it necessary to order all supervisory offices in the Ministry of Economics to accept instructions from him alone. I offer in evidence EC 376, US Exhibit No. 638, consisting of a circular from Schacht to all supervisory offices under date of 11 December 1936, and I quote from the second paragraph:

"The supervisory offices are obliged to accept instructions from me only. They must answer all official inquiries of the Office for German Raw Materials in order to give any information at any time to the fullest extent."

And a little further down:

"I herewith authorise the supervisory offices to take the necessary measures for themselves. In case doubts should result from requests of the above offices, and these doubts cannot be removed by oral negotiations with the specialized workers for that office, I should immediately be informed. I will then order in each case the necessary steps to be taken."

The military sides with Schacht, who had re-armed them so well. I offer in evidence EC 420, US Exhibit 639, consisting of a draft of a memorandum by the Military Economic Staff, dated 19 December 1936. I wish to read from Paragraph No. 1.

"(1) The control of war economy in the civilian sector in case of war is

possible only for that person, who, in peace time has made preparations for war under his own responsibility.

"Upon recognizing this fact, a year and a half ago, Reichbank President Dr. Schacht was appointed Plenipotentiary General for War Economy and an Operations Staff was attached to his Office."

And then from Paragraph No. 2:

"(2) The Military Economy Staff does not deem it compatible with the principle laid down in No.1, Paragraph 1, if the Plenipotentiary General for War Economy is now placed under the Minister President Colonel General Goering's command."

In January 1937 the Military Weekly Gazette published an article warmly praising Schacht's re-armament. Without reading it, I offer in evidence EC 383, US Exhibit 640, containing this article, a pertinent quotation from which already appears in the transcript for 23 November at Page 296.

Shortly thereafter Schacht attempted to force a show-down with Goering by temporarily refusing to act in his capacity as Plenipotentiary. I offer in evidence EC 244, US Exhibit 641, consisting of a letter from Von Blomberg, the Minister of War, to Hitler under date of February 22, 1937. I read the second paragraph of this letter as follows:

"The President, Dr. Schacht, has notified me that he is not acting in his capacity as Plenipotentiary for the time being since in his opinion there is existing a conflict between the powers conferred upon him and those of Colonel General Goering. Because of this the preparatory mobilization steps in the economic field are delayed."

Schacht was obviously using his importance to the war preparations as a lever.

THE PRESIDENT: Lieutenant Bryson, does the defendant Schacht admit in his interrogation that the reason for his giving up his office was the difference of opinion between him and the defendant Goering?

LT. BRYSON: He does, Sir, and the defendant Goering so states in his interrogation.

LT. BRYSON: If the Court will be satisfied that this was the cause of Schacht's resignation--

THE PRESIDENT: If they both say so--



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LT. BRYSON: And the cause was not his unwillingness to go along with the aggressive intentions of the Nazis at that time, I'll be perfectly satisfied to confine our evidence to interrogations of Schacht and Goering.

THE PRESIDENT: Does he suggest that in his interrogation? That that might have been the reason?

LT. BRYSON: Not to my knowledge, Sir, but our case against Schacht is premised upon conspiracy.

THE PRESIDENT: If the defendant Schacht wants to set up such a case as that, you could apply to be heard in rebuttal.

LT. BRYSON: Well, we'll be satisfied then to eliminate a number of our items of evidence, including the controversy between Goering and Schacht, and satisfy ourselves with the interrogations.

THE PRESIDENT: Yes.

LT. BRYSON: If the Court please, we are almost at the time of the break. Perhaps during the break we can arrange our evidence.

THE PRESIDENT: Yes, we will adjourn for ten minutes.

(A recess was taken from 1120 to 1130 hours.)



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PROFESSOR HERBERT KRAUS (Counsel for Defendant Schacht): We agree that the question of the disagreement between Goering and Schacht is not to be discussed at this time. But we shall come back to the question as to what extent this disagreement affected the plan of aggressive war.

THE PRESIDENT: Go ahead.

PROFESSOR KRAUS: To what extent this disagreement affected it -- concerned the plan of a war of aggression; to that question we shall refer extensively later.

LIEUTENANT BRYSON: If the Tribunal please:

We have eliminated part of our proof. I would simply like to put in a letter from Goering and an interrogation of Schacht, which will finish up on the question of the disagreement.

Under date of 5 August, 1937, Schacht wrote a critical letter to Goering, who replied with a twenty-four page letter on 22 August, 1937. Goering's letter reviews their many differences in detail. I offer it as EC 493, US Exhibit No. 642, and I wish to read simply one statement, found in the middle of page 13:

"In conclusion I should like to refer to remarks which you made in a paragraph of your letter entitled 'The Four Year Plan' about your general attitude" --

THE PRESIDENT: Is this EC 493?

LIEUTENANT BRYSON: 493, sir, page 13, in the middle of the page.

THE PRESIDENT: Yes.

LIEUTENANT BRYSON: "In conclusion, I should like to refer to remarks which you made in a paragraph of your letter entitled 'The Four-Year Plan' about your general attitude toward my work in regard to the economic policy. I know and am pleased that at the beginning of the Four-Year Plan you promised me your loyal support and cooperation and that you repeatedly renewed this promise even after the first differences of opinion had occurred and had been removed in exhaustive discussions. I deplore all the more having the impression recently, which is confirmed



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by your letter, that you are increasingly antagonistic toward my work in the Four-Year Plan. This explains the fact that our collaboration has gradually become less close."

Schacht and Goering were reconciled by written agreement on 7 July 1937, but subsequently again fell into disagreement, and Hitler finally accepted Schacht's resignation as Minister of Economics on 26 November, 1937, simultaneously appointing him as Minister with Portfolio and later Schacht's resignation was extended to his position as Plenipotentiary for War Economy. Without reading it, I offer in evidence EC 494, US Exhibit No. 643, as proof of this fact.

Now finally, I wish to refer the Tribunal to the interrogation of Schacht, under date of 16 October 1945, US Exhibit 636, and I wish to read from page 12 of the document near the bottom:

"A. It may amuse you if I told you that the last conversation --" this is Schact speaking -- "the last conversation I had with Goering on these topics was in November 1937, when Luther for two months had endeavored to unite Goering and myself and to induce me to further cooperate with Goering and maintain my position as Minister of Economics. Then I had a last talk with Goering, and at the end of this talk Goering said, 'but I must have the right to give orders to you'. Then I said, 'not to me, but to my successor.' I never have taken orders from Goering, and I would never have done it because he was a fool in economics and I knew something about it, at least.

"Q. Well, I gather that was a culminating, progressive personal business between you and Goering. That seems perfectly obvious.

"A. Certainly."

In all this abundant and consistent evidence, there is not the slightest suggestion that Schacht's withdrawal from these two posts represented a break with Hitler on the ground of contemplated military aggression. Indeed, Hitler was gratified that Schacht would still be active in the Government as Presi dent of the Reichsbank and as Minister without Portfolio. I offer in evidence L-104, U.S. Exhibit No. 644, consisting of a letter to the United States Secretary of State from Ambassador Dodd, under date of



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29 November, 1937, enclosing a translation of Hitler's letter of 26 - November 1937 to Schacht. I quote the last two sentences of Hitler's letter, found on page two of the document:

"If I accede to your wish it is with the expression

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of deepest gratitude for your so excellent achievements and in the happy consciousness that, as President of the Reichsbank Directorium, you will make available for the German people and me for many years more your outstanding knowledge and ability and your untiring strength. Delighted at the fact that in the future, also, you are willing to be my personal adviser, I appoint you as of today a Reich Minister."

Schacht did continue, obviously, still in full agreement with Hitler's aggressive purposes. He was still President of the Reichsbank at the time of the taking of Austria in March, 1938. In fact, the Reichsbank took over the Austrian National Bank. On this point I refer the Tribunal to Reichsgesetzblatt 1938, Part I, page 254, and ask that judicial notice be taken thereof. Further, Schacht even participated in the planning of the absorption of Austria. In this connection I introduce into evidence EC-421, US Exhibit 645, consisting of excerpts from minutes of a meeting of the Staff of General Thomas on 11 March, 1938, at 15.00 hours. I quote therefrom as follows.

"Lieutenant Colonel Huenerm reads Directive of the Fuehrer of 11 March concerning the 'Action Otto' and informs us that 'The Economy War Service Law' has been put in force. He then reads Directives 1 and 2, and gives special orders to troops for crossing the Austrian borders. After that, according to a suggestion by Schacht, no requests should take place, but everything should be put in Reichsmarks on an exchange basis of two shillings to one Reichsmark."

On the conversion of the Austrian shilling, the Tribunal is asked also to take judicial notice of Reichsgesetzblatt 1938, Part I, page 405.

The Tribunal, of course, is already familiar with the public approval by Schacht of the Anschluss in his Vienna speech of 21 March, 1938, and your Honors will also recall Schacht's pride in

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Hitler's use of the rearmed Wehrmacht at Munich, as expressed in his speech of 29 November, 1938. Both speeches were subsequent to his resignation in November 1937.

We come now to the removal of Schacht from the Presidency of the Reichsbank in January, 1939. The reason for this development is quite clear. Schacht lost confidence in the credit capacity of the Reich, and was paralyzed with fear of a financial collapse. He felt that the maximum level of production had been reached, so that an increase in banknote circulation would only cheapen money and bring on inflation. In this attitude he ceased to be useful to Hitler, who was about to strike and wished to tap every ounce of available Government credit for military purposes.

I refer the Tribunal to EC-369, which I have previously submitted in evidence as US Exhibit No. 631. This document is a memorandum from the Reichsbank Directorate to Hitler, under date of 7 January, 1939, in which Schacht reviews in detail his fears of inflation. The seriousness of the situation may be seen generally from the entire text. I wish to quote several of the more crucial statements--one from the last paragraph on page 3, the second sentence.

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"We are, however, faced with the fact that approximately three billion Reichsmarks of such acceptances cannot now be paid, though they will be due in 1939."

I quote further from the upper half of page four.

THE PRESIDENT: Did you say page four? It is page five, I think, on our copy.

LT. BRYSON: In my copy of the document it is the bottom of page three, using the numbers at the bottom of the page, the last paragraph, the second sentence.

THE PRESIDENT: I thought you had been reading the part, "We are convinced" --

LT. BRYSON: We are coming to that, sir.

THE PRESIDENT: Yes, on page three.

LT. BRYSON: It will be unnecessary to read it again, I take it?

THE PRESIDENT: Yes.

LT. BRYSON: I quote from the upper half of page four:

"Exclusive of the Reichsbank there are approximately six billion Reichsmarks 'Mefo' acceptance bills which can be discounted against cash payment at any time at the Reichsbank, which fact represents a continuous danger to the currency."

And I quote finally from the concluding paragraph of the memorandum:

"We are convinced that the effects on the currency caused by the policy of the last ten months can be mended, and that the danger of inflation again can be eliminated by strict maintenance of balanced budget. The Fuehrer and Reich Chancellor, himself, has publicly rejected, again and again, an inflation as foolish and fruitless.

"We therefore ask for the following measures:

(1) The Reich as well as all the other public offices must not incur expenditures or assume guaranties and obligations that cannot be covered by taxes or by those funds which can be raised through loans without disturbing the long-term investment market.

(2) In order to carry out these measures effectively, full financial control over all public expenditures must be restored to the Reich Minister

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of Finance.

(3) The price and wage control must be rendered effective. The existing mismanagement must be eliminated.

(4) The use of the money and investment market must be at the sole discretion of the Reichsbank."

It is clear that Schact's fear was genuine, and is a complete explanation for his departure from the scene. He had good reason to be afraid. In fact, the Finance Minister had already recognized the situation in September 1938. I refer the Tribunal to EC 419, U.S. Exhibit No. 621, which I have already submitted in evidence and which consists of a letter under date of 1 September 1938 from Krosigk to Hitler, in which Krosigk warns of an impending financial crisis. I quote from the bottom of page two:

THE PRESIDENT: Isn't that really cumulative of what you have already read?

LT. BRYSON: We will be glad to skip it, sir; it is cumulative.

Schacht was not only afraid of a financial crisis, but was afraid that he personally would be held responsible for it. I offer in evidence an affidavit of Emil Puhl, a director of the Reichsbank and co-worker of Schacht, dated 8 November 1945, designated as EC 438, U.S. Exhibit No. 646, and I read therefrom, beginning on the bottom of the second page:

"When Schacht saw that the risky situation which he had sponsored was becoming insoluble, he was more and more anxious to get out. This desire to get out of a bad situation was for a long time the 'leit motif' of Schact's conversation with the Directors of the bank."

In the end, Schacht escaped by deliberately stimulating his dismissal from the Presidency of the Reichsbank. I offer in evidence U.S.Exhibit No. 647, consisting of excerpts from an interrogation of von Krosigk under date of 24 September 1945, and I wish to read several statements beginning at the very bottom of the second page:

"I asked Mr. Schacht to finance the Reich before the ultimo of the month the sum of one hundred or two hundred millions. It was this quite usual procedure which we had

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used for years and years, and we used to give back this money after a couple of days. Schacht this time refused and said that he was not willing to finance a penny because he wanted that, as he said, it should be made clear to Hitler that the Reich was bankrupt. I tried to explain that this was not the proper ground to discuss the whole question of financing because the question of financing very small sums for a few days during ultimo never would bring Hitler to the oncviction that the whole financing was impossible. As far as I remember now, it was Funk who told Hitler something about this conversation, then Hitler asked Schacht to call upon him. I do not know what they said, but the result certainly was the dismissal of Schacht."

THE PRESIDENT: Just give me the reference to that document again that you were reading from.

LT. BRYSON: This is the interrogation of von Krosigk under date of 24 September 1945. I wish to read further, continuing on page three:

"Q. Now, did Schacht ever say anything to you to the effect that he wanted to resign because he was in opposition to the continuance of the rearmament program?

"A. No, he never said it in this specific form, but in some conversations he certainly said several times in his own way that he had conflicts with Goering so that in answer to that I didn't take these things very seriously.

"Q. Well, let me put it this way, and please think carefully about this. Did Schacht ever say that he wanted to resign because he realized that the extent of the rearmament program was such as to lead him to the conclusion that it was in preparation of war rather than for defense?

"A. No, he never did.

"Q. Was Schacht ever quoted to you to this effect by any of your colleagues or by anybody else?

"A. No.

"Q. Now after Keitel took over the position of Chief of the Wehrmacht, there were still meetings between Schacht and yourself, with Keitel in place of Blomberg?

"A. Yes.

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"Q. Did Schacht ever say anything at these meetings to indicate that except for the technical question of the financing through the Reichsbank directly, he was opposed to a further program of rearmament or opposed to the budget of the Wehrmacht?

"A. No, I don't think he ever did."

The defendant Goering has also confirmed this testimony. I refer the Tribunal to the interrogation of Goering under date of 17 October 1945, this being U.S. Exhibit No. 648. I read from the interrogation of Goering on 17 October 1945, from the lower half of the third page:

"Q. I want to ask you this specifically. Was Schacht dismissed from the Reichsbank by Hitler for refusing to participate any further in the rearmament program?

"A. No, because of his utterly impossible attitude in this matter, regarding this advance which had no connection with the rearmament program."

Hitler dismissed Schacht from the Reichsbank on 20 January 1939. Without reading, I offer in evidence EC 398, U.S. Exhibit No. 649, consisting merely of a brief note from Hitler to Schacht announcing his dismissal.

From all of the foregoing, it is clear that Schacht's dismissal in no sense reflected a parting of the ways with Hitler on account of proposed aggression. This fact may also be seen from EC 397, U.S. Exhibit No. 650, consisting of Hitler's letter to Schacht under date of 19 January 1939, the text of which I wish to read:

"On the occasion of your recall from Office as President of the Reichsbank Directory, I take the opportunity to express to you my most sincere and warmest gratitude for the services which you rendered repeatedly to Germany and to me personally in this capacity during long and difficult years. Your name, above all, will always be connected with the first epoch of the national rearmament. I am happy to be able to avail myself of your services for the solution of new tasks in your position as Reich Minister."

In fact, Schacht continued as Minister without Portfolio until January 1943.

I wish to conclude by saying that the evidence shows first, Schacht's work was indispensable to Hitler's rise to power and to the rearmament of

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Germany; secondly, Schacht personally was favorably disposed towards aggression and knew Hitler intended to and would break the peace; and third, Schacht retired from the scene for reasons wholly unrelated to the imminence of illegal aggression.

So long as he remained in power, Schacht was working as eagerly for the preparation of aggressive war as any of his colleagues. He was beyond any doubt most effective and valuable in this connection. His assistance in the earlier phase of the conspiracy made their later crimes possible. His withdrawal from the scene of action reflected no moral feeling against the use of aggressive warfare as an instrument of national policy. He personally struggled to retain his position. By the time he lost it, he had already completed his task in the conspiracy, namely, to provide Hitler and his colleagues with the physical means and economic planning necessary to launch and maintain the aggression. We do not believe that having prepared the Wehrmacht for assault upon the world, he should now be permitted to find refuge in his loss of power before the blow was struck.

This concludes our case against the Defendant Schacht, and Lt. Meltzer follows me with the presentation of the American case against the Defendant Funk.

LT. BERNARD D. MELTZER: May it please the Tribunal, the documents bearing upon Defendant Funk's responsibility have been assembled in a document book marked "HH" filed with the Tribunal, and has also been made available to defense counsel. The same is true of the brief. The documents have been arranged in the book in the order of their presentation. Moreover, to facilitate references, the pages of the document book have been numbered consecutively in red. I wish to acknowledge the invaluable collaboration of Mr. Sidney Jacoby, who sits to my right, in the selection and analysis of these documents.

We propose to submit evidence concerning five phases of Defendant Funk's participation in the conspiracy.

First, his contribution to the Nazi seizure of power;

Second, his role in the Propaganda Ministry and in the related agencies and his responsibility for the activities of that ministry;

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Third, his responsibility for the unrelenting elimination of Jews, first from the so-called cultural professions and then from the entire German economy:

Fourth, his collaboration in the paramount Nazi task to which all other tasks were subordinated---preparation for aggressive war, and;

Finally, we propose to mention briefly the evidence concerning his active participation in the waging of aggressive war.

We turn now to the evidence showing that Defendant Funk actively promoted the conspirators' accession to power and their consolidation of control over Germany. Soon after he joined the Nazi Party in 1931 Defendant Funk began to hold important positions; first within the Party itself and then within the Nazi Government. Funk's positions have, in the main, been listed in Document No. 3533-PS, which is a statement signed by both Defendant Funk and his counsel. This document has been made available in the four working languages of these proceedings, and a copy in the appropriate language should be avilable in each of your Honors' document books. It is accordingly requested that this document, which is U.S.A. Exhibit No. 651, be received into evidence without the necessity of its being read in its entirety.

Your Honors will observe that there are some deletions and reservations after some of the items listed on Document No. 3533-PS. These were inserted by defendant Funk. The words which he wished deleted are enclosed in parentheses. His comments are underscored and followed by asterisks.

We wished to avoid troubling the Tribunal with a detailed discussion of all of these contested points. Accordingly, we collected in Document No. 3563-PS relevant exerpts from certain Germar publications. This document has also been made available in the four working languages. Moreover, we submit that the Tribunal can properly take judicial notice of the publications referred to in the Document. However, in order to facilitate reference, we request that it be received in evidence as U.S.A. Exhibit No. 652.

In connection with item (b) on the top of page one of Document No.3533-PS, your Honors will observe that Defendant Funk has in effect denied that he was Hitler's personal economic adviser in the 1930's. However, the excerpts from the four German publications set forth on pages one and two of Document No.3563-PS directly contradict this denial.

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We submit that it will be clear from the documents just referred to that Defendant Funk, soon after he joined the Party, began to operate as one of the Nazi inner circle. Moreover, as a party economic theorist during its critical days in 1932 he made a significant contribution to its drive for mass support by drafting its economic slogans. In this connection I would refer to Document 3505-PS, which is a biography entitled, in the English translation, "Walter Funk - A Life for the Economy". This bography was written by one Oestreich in German and published by the Central Publishing House of the Nazi Party. I offer this document into evidence as U.S.A. Exhibit 653. I wish to quote now from page one of the translation of this document, the center of the page. The corresponding page of the German document is page eighty-one.

"In 1931 he (that is, Funk) became a member of the Reichstag. The document of his activity at the time is: "Economic construction program of the NSDAP", which was formulated by him in the second half of the year 1932. It received the approval of Adolf Hitler, and was declared binding for all Gau leaders, speakers on the subject, and Gau advisors on the subject and others of the Party."

Thus Defendant Funk's slogans became the economic gospel for the Party organizers and spellbinders.

Defendant Funk's slogans became the economic gospel for the Party organizers and spellbinders.

Defendant Funk, however, was much more than one of the Nazi Party's economic theorists; he was also involved in the highly practical work of soliciting campaign contributions for the Party. As liaison man between the Party and the big German industrialists he helped place the industrialists' financial and political support behind Hitler. Defendant Funk, in an interrogation conducted on 4 June 1945 admitted that he helped finance the highly critical election campaign of 1932. I offer into evidence Document No. 2828-PS as U.S.A. Exhibit No. 654, and I quote from the bottom of page forty-three--

THE PRESIDENT: Lt. Meltzer, isn't this really all cumulative and detailed evidence to support what the Defendant Funk has already agreed with reference

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to his office? On page one you have there the admission that he was a member of the Nazi Party, chief of the division of the Central Nazi Party, chairman of the committee of the Nazi Party on economic policy, and then it goes on from A to U with views of the various offices which he held, and which he admits he held. But surely to go into the details of those various positions is unnecessary.

LT. MELTZER: If your Honor please, the admission of the various positions listed do not, in our judgment, indicate in any way Defendant Funk's participation in the fund-raising for the Nazi Party.

THE PRESIDENT: The fund-raising?

LT. MELTZER: The fund-raising. Now, it is a possible inference from those positions that he did engage in the solicitation of campaign contributions. However, it did seem to us relevant to mention most briefly that aspect of his activity.

THE PRESIDENT: Very well, if you say there is nothing in these offices which covered the matter you are going to deal with; well and good

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LT. MELTZER: Defendant Funk, in an interrogation conducted on 4 June 1945, admitted, as I said a minute ago, that he helped to finance this highly critical campaign.

THE PRESIDENT; You see, Lt. Meltzer, the heading that you have so conveniently given to us is that he contributed to the seizure of power. Well now, nearly every one of the headings A to U on page one, which he admits, is evidence that he contributed to seizure of power. Is it your object to propose that he also helped to raise funds? The contribution to the seizure of power isn't in itself a crime; it is only a step.

LT. MELTZER: Very well, your Honor. There is one aspect, however, of his activity in that regard which I should like to mention; that is, in connection with his fund-raising activities, he was present at a meeting in Berlin early in 1933. The primary purpose of that meeting was to raise funds; however, I am referring to the document which records what went on in that meeting in order to point out that in the course of the meeting, Hitler and Goering submitted an exposition of certain basic elements of the Nazi program. The report of this meeting is found in Document 2828-PS, which, your Honors will find on page 28 of the document book. I wish to quote the following question and answer:

> "Q. About 1933, we have been informed, certain industrialists attended a meeting in the home of Goring before the election in March. Do you know anything about this?
>
> "A. I was at the meeting,. Money was not demanded by Goring but by Schacht. Hitler left the room, then Schacht made a speech asking for money for the election. I was only there as an impartial observer, since I was friendly with the industrialists."

The character and importance of Funk's work with the large industrialists is emphasized in the biography of Funk, which I referred to earlier, and I will simply invite your Honor's attention to the relevent pages of that book, which are 83 and 84.

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THE PRESIDENT: I don't understand why you read that passage. If you wanted to show that he was at the meeting, it would be merely sufficient to say that he was at the meeting. I don't think those two sentences that you read us help us in the very least.

LT. MELTZER: If the Tribunal please, those two sentences do not refer to the meeting. Those two sentences refer to the biography which sums up the Defendant Funk's general contribution to the Nazi accession to power and I thought it might be of interest to the Tribunal to see the attitude of a German writer on this aspect of the Defendant's career.

THE PRESIDENT: It seems to me you referred to the meeting.

LT. MELTZER: I was referring your Honors to pages 32 and 33 of the document book, and to clarify this point may I read briefly from the biography:

"No less important than Funk's accomplishments in the programmatic field in the years 1931 and 1932, was his activity of that time as the Fuehrer's liaison man to the leading men of the German industry, trade, commerce and finance. On the basis of his past work his personal relations to the German economic leaders were broad and extensive. He was now able to enlist them in the service of Adolf Hitler, and not only to answer their questions authoritatively, but to convince them and win their backing for the Party. At that time, that was terribly important work, every success achieved meant a moral, political and economic strengthening of the fighting force of the Party and contributed toward destroying the prejudice that National Socialism is merely a party of class hatred and class struggle."

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THE PRESIDENT: Again, I don't see that that has helped the Tribunal in the least.

LT. MELTZER: After Funk had helped Hitler become Chancellor, as Press Chief of the German Government, he participated in the early Cabinet meetings, in the course of which he conspirators planned the strategy by which they would secure the passage of the Presidential Emergency Decree, which was passed on 24 March, 1933. Funk's presence at these meetings is revealed by Documents 2962-PS and 2963-PS, which have already been received in evidence. Your Honors will recall that this decree marked the real seizure of political power in Germany.

Soon after, the Defendant Funk assumed an important role in the Ministry of Propaganda. The record shows that the Ministry became one of the most important and vicious of Nazi institutions and that propaganda was fundamental to the achievement of the Nazi program within Germnay and outside of Germany. We do not propose to review these matters to you but rather to present evidence showing, as we have said, that the Defendant Funk took a significant part in the propaganda operations.

The Ministry was established on 13 March 1933, with Goebbels as his chief and Defendant Funk as Undersecretary, second in command.

As Undersecretary, Defendant Funk was not only Goebbels' chief aid but was also the organizer of the large and complex propaganda machine. I wish to offer into evidence Document No. 3501-PS, which will be found on page 47 of your document book, as USA Exhibit 657. This document is an affidavit signed on 19 December, 1945, by Max Amann who held the position of Reich Leader of the Press and President of the Reich Press Chamber. I should like to read the second sentence of the first paragraph and the entire second paragraph:

THE PRESIDENT: What page?

LT. MELTZER: The document, Sir, has only one page. It is on page 47, Sir, of the document book.

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"In carrying out my duties and responsibilities, I became familiar with the operations and the organization of the Reich Ministry of Propaganda and Enlightenment.

"Walter Funk was the practical Minister of the Ministry of Propaganda and Enlightenment and managed the Ministry. Funk was the soul of the Ministry, and without him Goebbles could not have built it up. Goebbels once stated to me that Funk was his 'most effective man'. Funk exercised comprehensive control over all of the media of expression in German: over the press, the theater, radio and music. As Press Chief of the Ministry, Funk held daily meetings with the Fuhrer and a daily press conference in the course of which he issued the directives governing the materials to be published by the German Press."

In addition to his position as Undersecretary, Funk had many other important jobs in the Propaganda Ministry and in its subordinate agencies. These positions have already been listed in Document 3533-PS. I wish, however, to refer in particular to Funk's position as Vice President of the Reich Chamber of Culture. This position was, of course, related to his functions in the Propaganda Ministry.

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In his dual capacity he directly promoted two vital and related Nazi policies. The first was the regimentation of all creative activities in the interests of Nazi political and military objectives. The second was the complete elimination of Jews and dissidents from the so-called cultural professions. A full discussion of the methods by which these policies were effectuated has been included in the brief which was submitted as part of US Exhibit B. Accordingly, we will not go into that matter now unless the Tribunal wishes us to.

In view of the Defendant Funk's major role in the Propaganda Ministry, it is natural to find Nazi writers stressing his responsibility for the Nazi perversion of culture. In this connection, I will simply invite the Tribunal's attention to pages 94 and 95 of Ostreich's biography, which has already been referred to.

After Defendant Funk left the Ministry of Propaganda and became Minister of Economics in 1938 he continued to advance the anti-Jewish program. For example, on 14 June, 1938, he signed a decree providing for the registration of Jewish enterprises. This decree which became the foundation for the ruthless economic persecution which followed is found in the Reichsgesetzblatt, 1938, Part I, page 627. It is requested that the Tribunal take judicial notice of this reference to the Reichsgesetzblatt and all subsequent references. May I add that the brief on Defendant Funk gives the document numbers of translations of decrees and other German publications of which the Tribunal will be requested to take judicial notice.

THE PRESIDENT: Would that be a convenient time to break off?

LT. MELTZER: Yes, your Honor.

THE TRIBUNAL: Before we do so, Sir David Maxwell-Fyfe, I see that one of the Counsel, Mr. Fillimore, I think, is proposing

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to call certain witnesses. The Tribunal would like to know who those witnesses are and what subject their evidence is going to deal with.

SIR DAVID MAXWELL-FYFE: Would the Tribunal like to know now? I would like to let them know if it is convenient.

THE TRIBUNAL: If you could, it would be convenient now.

SIR DAVID MAXWELL-FYFE: Yes. The first witness is Korvetten Kapitaen Mohle, who was a captain on Defendant Doenitz's staff, and he will prove the passing on of the Doenitz order of 17 September, 1942. I think that is the main point that he deals with. I think he deals also with the destruction of some rescue ships, but that is the main point.

The second witness is Lieutenant Heisig. He will deal primarily with lectures of the Defendant Doenitz in which he advocated the destruction of the crews of merchant ships. That is the general effect of the evidence.

THE PRESIDENT: Thank you.

(Whereupon, at 12.45 hours the Hearing of the Tribunal adjourned to reconvene at 14.00 hours.)

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Official Transcript of the International Military Tribunal, in the matter of: The United States of America, The French Republic The United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics against Herman Wilhelm Goering, et al, Defendants, sitting at Nurnberg, Germany, on 11 January 1946, 1400-1700, Lord Justice Lawrence, presiding.

THE PRESIDENT: Lieutenant Meltzer, are you intending to call any witnesses this afternoon?

LT. MELTZER: No, sir. There is another member of the Prosecution, sir, who I believe is intending to call a witness, Mr. Dodd.

THE PRESIDENT: In connection with the case against Funk?

LT. MELTZER: No, your Honor.

THE PRESIDENT: Or in connection with the case against someone else?

LT. MELTZER: Yes, sir.

THE PRESIDENT: Who is it in connection with, Raeder?

LT. MELTZER: I believe Mr. Dodd might offer --

THE PRESIDENT: Raeder, is it?

LT. MELTZER: No, sir. Mr. Dodd might offer a better explanation than I on the purpose of calling the witness.

THE PRESIDENT: Mr. Dodd?

MR. DODD: Yes, sir. Your Honor, the witness is offered in connection with the Defendants Rosenberg, Funk, Frick, Sauckel, and Kaltenbrunner.

THE PRESIDENT: I see. The evidence relates to concentration camps, does it?

MR. DODD: It does, your Honor.

THE PRESIDENT: I see.

MR. DODD: This witness would have been called at the time that we presented the other proof, excepting for the fact that he was before the Military Court at Dachau at that time and was not available.

THE PRESIDENT: I see, Thank you.

LT. MELTZER: May it please the Tribunal: Before we adjourned we were

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dealing with Defendant Funk's role in the economic persecution of the Jews. As your Honors will recall, in November of 1938 the death of von Rath in Paris was exploited by the Nazis as a pretext for intensifying the persecution of the Jews. The new policy was directed at the complete elimination of the Jews from the economic life of Germany. The evidence we will offer will show that Defendant Funk took a significant part in both the formulation and execution of that policy. In this connection, I would refer the Tribunal to Document No. 1816-PS, which is already in the record. This document is a report of the meeting on the Jewish question. It will be found your Honor, on page 52 of the Document Book. This document is a report of the meeting on the Jewish question held under Goering's chairmanship on 12 November, 1938. In opening the meeting Defendant Goering stated, and I quote now from page 1, paragraph 1, of the translation. The corresponding page of the German document is also page 1:

"To-day's meeting is of a decisive nature. I have received a letter written on the Fuehrer's orders, requesting that the Jewish question be now, once and for all, coordinated and solved one way or another."

Defendant Funk came to this meeting well prepared. He had a law already drafted which he submitted with the following explanation. I quote again from Document 1816-PS, page 15.

THE PRESIDENT: Page what?

LT. MELTZER: Fifteen of the document, your Honor; page 66 of the Document Book.

"I have prepared a law eloborating that, effective 1 January 1939, Jews shall be prohibited to operate retail stores and wholesale establishments as well as independent artisan shops. They shall be further prohibted from keeping employees or offering any ready products on the market. Whereve a Jewish shop is operated, the police shall shut it down. From 1 January 1939, a Jew can no longer be employed as an enterpriser as stipulated in the law for the Organization of National Labor of 20 January 1934."

I believe we may omit the rest. It is all in the same tenor.

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THE PRESIDENT: Yes.

LT. MELTZER: The substance of Defendant Funk's draft law promply found its way into the Reichsgesstzblatt. On 12 November 1938, Defendant Goering signed a decree entitled, and I quote, "For the Elimination of Jews from the German Economic Life", and in section 4 he authorized Defendant Funk to implement the provisions of the decree by issuing the necessary rules and regulations. An examination of the provisions of this decree, which is set forth in the Reichsgesetzblatt 1938, Part I, page 1580, will reveal how well it deserved its title "For the Elimination of the Jews from the German Economic Life."

Soon after the passage of the decree of 12 November, Defendant Funk delivered a speech on the Jewish question. He made it clear that the program of economic persecution was part of the larger program of extermination, and he boasted of the fact that the new program insured the complete elimination of the Jews from the German economy. I offer into evidence Document Number 3545-PS as USA Exhibit 659. This document, which is found on page 76 of the Document Book, is a certified photostatic copy of page 2 of the Frankfurter Zeitung of 17 November 1938. I quote a very brief portion of that speech:

"The state and the economy constitute a unity. They must be directed according to the same principles. The best proof thereof has been rendered by the most recent development of the Jewish problem in Germany. On cannot exclude the Jews from the political life and yet let them live and work in the economic sphere."

I shall omit the rest, with the request that the Tribunal take judicial notice of this reprint from the German newspaper, the Frankfurter Zeitung.

I wish, however, to refer to only one more decree signed by Defendant Funk himself. On the 3rd of December, 1938, he signed a decree which imposed additional and drastic economic disabilities upon the Jews and subjected their property to confiscation and forced

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liquidation. This decree is set forth in the Reichsgesetzblatt 1938, Part I, page 1709. Defendant Funk himself admitted and deplored his responsibility for the economic persecution of the Jews. I offer into evidence Document No. 3544-PS, as USA Exhibit 660. This document, which is the last document in connection with this phase of the case, is an interrogation of Defendant Funk dated 22 October 1945. Your Honors will find it on pages 102 and 103 of the Document Book. I wish to quote from pages 26 to 27 of the interrogation. The corresponding page of the German translation is page 21. Although I propose to quote enough to place Defendant Funk's statements in their proper context, I do not, of course, intend to give any credence to his attempts at self-justification:

"Q. All the decrees excluding the Jews from industry were yours, were they not?"

Now, omitting the first nine lines of the reply:

"A. So far as my participation in this Jewish affair is concerned, that was my responsibility, and I have regretted it later on that I ever did participate. The Party had always brought pressure to bear on me previously to make me agree to the confiscation of Jewish property, and I had refused repeatedly. But later on, when the anti-Jewish measures and the force against Jews came into effect, something legal had to be done to prevent the looting and confiscation of all Jewish property.

"Q. You knew that the looting and all that was done at the instigation of the Party, don't you?"

Here Defendant Funk wept and answered:

"Yes, most certainly. That is when I should have left in 1938. Of that I am guilty; I am guilty; I admit that I am a guilty party here."

In the Propaganda Ministry Defendant Funk, as we have seen, helped solidfy the German people in favor of war. When he moved on to his position as Minister of Economics, and to other positions which will appear, he used his talents even more directly for the conspirators' main task--preparation for war. Immediately before Defendant Funk took over the Ministry of Economics from Defendant Schacht in 1938, there was a major reorganization of that Ministry's functions which integrated it with the Four-Year Plan as the supreme

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command of the German military economy. This reorganization was effected by a decree dated 4 February 1938, signed by Goering as Commissioner of the Four-Year Plan. This decree is set forth in an official monthly bulletin issued by Goering and entitled, in the English translation "The Four Year Plan", Volume II, 1938, page 105. It is requested that the Tribunal take judicial notice of this publication.

At this point I would simply note that that decree makes it clear that Defendant Funk assumed a critical role in the task of economic mobilization during a decisive period. Indeed, in 1938 he was directly charged with the task of preparing the German economy for war. By a secret decree he was made Chief Plenipotentiary for Economics, and assumed the duties which once had been discharged by Defendant Schacht. In this connection, I refer to Document 2194-PS, which has already been placed in evidence. This document, which is found on page 111 of your Honors' document books, consists of a letter dated 6 September 1939, and that letter transmitted a copy of the Reich Defense Law of 4 September 1938. It is this enclosure that we wish to deal with now. I wish to quote from page 4 of the translation, from paragraphs 2 to 4:

"It is the task of the GBW" -- that is the Chief Plenipotentiary for Economics -- "to put all economic forces into the service of the Reich defense, and to safeguard economically the life of the German nation. To him are subordinate:

"the Reich minister of economics

"the Reich minister of nutrition and agriculture

"the Reich minister of work",

and so on. "He is furthermore responsible for directing the financing of the Reich defense within the realm of the Reich finance ministry and the Reich Bank."

To quote one more paragraph:

"The GBW must carry out the demands of the OKW which are of considerable importance for the armed forces; and he must insure the economic conditions for the production of the armament industry directed immediately by OKW according to its demands."

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This law, in essence, reenacted the provisions previously passed in the Reich Defense Law of 1935, and I will not trouble the Tribunal with further reading. I do wish to note, however, that the law was at the specific direction of Hitler kept secret, and that it was signed by Defendant Funk, among others, as Chief Plenipotentiary for Economics. Your Honors will find Defendant Funk's signature on next to the last page of the document, and I invite your attention to the names of his co-signers.

Defendant Funk, in a speech which he delivered on 14 October 1939, explained how, as Chief Plenipotentiary for Economics, he had for a year and a half prior to the launching of the aggression against Poland, advanced Germany's economic preparations for war. I offer into evidence Document No. 3324-PS, as USA Exhibit 661. This document is a German book by Borndt and von Wodel, entitled, in the English translation, "Germany in the Fight." That book reprings the Defendant's speech. I quote now from page 2 of the translation of Document No. 3324-PS, which is found on page 116 of the Document Book. The translation of this speech is somewhat awkward, and with the Tribunal's permission I would rephrase it somewhat without changing its substance in the slightest:

"Although all economic and financial departments were harnessed to the task of the Four Year Plan under the leadership of General Field Marshal Goering, Germany's economic preparation for war was also secretly advanced in another sector for well over a year, namely, through the formation of a national guiding apparatus for special war economy tasks which would have to be accomplished the moment that war became a fact. For this work all economic departments were combined into one administrative authority, the General Plenipotentiary for Economy, to which position the Fuehrer appointed me one and a half years ago."

THE PRESIDENT: What was the date of that?

LT. MELTZER: The date of that speech, sir, is October.

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THE PRESIDENT: 14th of October?

LT. MELTZER: 14th of October, 1939.

In his dual capacity as Chief Plenipotentiary for Economics and Minister of Economics, Defendant Funk was naturally advised of the requirements which the conspirators' program of aggression imposed on the German economy. In this connection, I would invite the Tribunal's attention to Document No. 1301-PS, which is already in evidence. As your Honors will recall, this document is a top secret report of the conference held in Defendant Goering's office on 14 October 1938. Your Honors will find it on page 142 of the Document Book. I shall simply summarize the relevant portions of this document.

During the conference Goering referred to the world situation and to Hitler's directive to organize a gigantic armament program. He thereupon directed the Ministry of Economics to increase exports in order to obtain the foreign exchange necessary for stepping up armament. He added, as your Honors will recall, that the Luftwaffe must be increased fivefold; that the Navy should arm more quickly; and that the Army should accelerate the production of weapons for attack. Defendant Goering's words directed at Funk, among others, were the words of a man already at war, and his emphasis on quintupling the air force and on weapons for attack was that of a man waging aggressive war.

After Schacht's departure, Funk was a key figure in the preparation of plans to finance the war. This was natural, since Defendant Funk, after 1939, occupied three positions crucial to war finance. Two we have already named--the Minister of Economics and the Chief Plenipotentiary for Economics. In addition, he was President of the Reichsbank.

Funk's role in war financing is illustrated by Document No. 3562-PS, which I now offer in evidence as USA Exhibit 662. This document was found in the captured files of the Reich Ministry of Economics. It consists in part of a letter from the Chief Plenipotentiary for Economics, signed on his behalf by Dr. Posse. The letter is dated 1 June 1939, and encloses the minutes of a conference concerning the financing of the war which was held under the chairmanship of Funk's under secretary in the Ministry of Economics, Dr. Landfried. A copy of the document which I have offered into evidence bears a marginal note on page 1 in the bottom left-hand corner, dated 5 June, and stating, and I quote: "To be shown to the Minister (that is, Funk) for his information."

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During the course of the meeting, which was attended by twelve officials, five of whom were directly responsible to Defendant Funk in various capacities, the conferees discussed a memorandum regarding war finance which had been prepared by the Chief Plenipotentiary for Economics on May 9, 1939. I wish to quote briefly from page 2 of the English translation, which is found on page 153 of your Honors' document book:

"Then a report was made of the contents of the notes on the question of internal financing of war of 9 May of this year, in which the figures given to me by the Reichs Minister of Finance are also discussed. It was pointed out that the General Plenipotentiary for the Economy is primarily interested to introduce into the legislation for war finance the idea of financing war expenditures by anticipating future revenues, to be expected after the war."

And if I may quote another brief excerpt from this important memorandum, whichis found on page 2 of the English translation, page 153 of your document books:

"Undersecretary Newman, first, submitted for discussion the question of whether the production would be able to meet, to the assumed extent, the demands of the army, especially if the demands of the army, as stated in the above report, would increase to approximately 14 billions in the first three months of war. He stated that, if the production potential of the present Reich territory is taken as a basis, he doubts the possibility of such an increase."

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It is plain, then, that Defendant Funk exercised comprehensive authority over large areas of the German economy whose proper organization and direction were critical to effective war preparation. The once powerful German military machine which rested on the foundation of thorough economic preparation was a tribute to the contribution which Defendant Funk had made to Nazi aggression.

And Funk made this contribution with full knowledge of the plans for military aggression. A compelling inference of such knowledge would arise from the combination of several factors: from Funk's long and intimate association with the Nazi Inner circle, from the very nature of his official functions, from the war-dominated setting of Nazi Germany, from the fact that force and the threat of force had become the primary and the open instruments of German foreign policy. And the final element in weighing the question of Funk's knowledge, is, of course, the fact that at the same time that Funk was making economic preparation, specific plans for aggression was being formulated, plans which were later carried out, and plans which could be effectively carried out only if they were synchronized with the complementary economic measures.

The inference concerning Defendant Funk's knowledge is reinforced beyond any question, by considering, in the light of the factors decribed above, the more specific and direct evidence which has already been placed into the record. We have seen from Document No. 1760-PS that Defendant Funk had told Mr. Messersmith that the absorption of Austria by Germany was a political and economic necessity, and that it would be achieved by whatever means were necessary. We have already referred to Document No. 1301-PS, in which Defendant Goering laid down directives which could be understood only as directives to prepare the economic basis for aggression. And Document Number 3562-PS has revealed that Defendant Funk was making detailed plans for financing the war, that is, of course, a particular war, the war against Pland. In this connection, I wish to refer to another vital piece of evidence which has already been introduced in the record. It is the letter dated 25 August 1939, which Defendant Funk wrote to Hitler. In that letter, as your Honors will recall, Defendant Funk expressed his gratitude at being able to experience those world-shaking

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times and to contribute to those tremendous events. And he thanked Hitler for approving his proposals, designed to prepare the German economy for the war.

Moreover, the record contains evidence showing that Defendant Funk, both personally and through his representatives, participated in the economic planning which preceded the military aggression against the Soviet Union. I would refer the Tribunal to Document 1039-PS, which revealed that in April of 1941, Defendant Rosenberg, who had been appointed deputy for the centralized treatment of problems related to the occupation of the eastern territories, that is, the Soviet Union, discussed with Defendant Funk the economic problems which would arise when the plans for aggression in the East matured. Document 1039-PS also reveals that Defendant Funk appointed one, Dr. Schletterer, as deputy to collaborate with Rosenberg in connection with exploitation of the Eastern territories and that Schletterer met with Rosenberg almost daily.

It is clear, then, that Defendant Funk participated in every phase of the conspirators' program, from their seizure of power to their final defeat. Throughout, he worked effectively, if sometimes more quietly than others, on behalf of the Nazi program, a program which, from the very beginning, he knew contemplated the use of ruthless terror and force within Germany, and if necessary outside of Germany. He bears, we submit, a special, a direct and a heavy responsibility for the commission of crimes against humanity, crimes against peace and war crimes. The record makes it clear, if we may summarize the evidence, that by virtue of his activities in the Ministry of Propaganda and in the Ministry of Economics, he is responsible for stimulating and engaging in the unrelenting persecution of the Jews and other minorities, for psychologically mobilizing the German people for aggressive war and for weakening the willingness and capacity of the conspirators' intended victims to resist aggression. It is also clear, we submit, that Defendant Funk, with full knowledge of the conspirators' purposes, in his capacity as Minister of Economics, President of the Reichsbank and Chief Plenipotentiary for Economics, actively participated in the mobilization of the German economy for aggression. In these capacities, and as a member of the Ministerial Council for Defense and the Central Planning Board, he also participated in the waging of aggressive war. Moreover, by virtue of his membership in the Central Planning Board

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which, as your Honors will recall from Mr. Dodd's presentation, formulated and directed and directed the program for the enslavement, the exploitation and degradation of millions of foreign workers. Defendant Funk also shares special responsibility for the Nazi Slave Labor program.

The French Prosecution, I am informed, will deal with this matter in greater detail. Moreover, the French and Soviet Prosecution will submit evidence, showing that Defendant Funk actively participated in the program for the criminal looting of the resources of occupied territories.

MR. THOMAS DODD: May it please the Tribunal, we would like to call as a witness at this time Dr. Franz Blaha.

THE PRESIDENT (To the witness): Is your name Franz Blaha?

THE WITNESS (In Czech): Dr. Franz Blaha

THE PRESIDENT: Will you repeat this oath: I swear by God -

THE WITNESS: Isswear by God -

THE PRESIDENT: The Almightyand Omniscent -

THE WITNESS: The Almightyand Omniscent -

THE PRESIDENT: That I will speak the truth, the clear truth -

THE WITNESS: That I will speak the truth, the clear truth -

THE PRESIDENT: And will withhold -

THE WITNESS: And will withhold -

THE PRESIDENT: And add nothing.

THE WITNESS: And add nothing.

THE PRESIDENT: You can sit down if you wish.

DIRECT EXAMINATION

QUESTIONS BY MR. DODD:

Q You are Dr. Franz Blaha, a native and a citizen of Czecho Slavakia; are you not?

A (In Czech) Yes

Q I understand that you are able to speak German, and for technical reasons I suggest that we conduct this examination in German, although I know your native tongue is Czech; is that right?

A (In Czech) In the interest of the case I am willing to testify in German for the following reasons:

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1) For the past seven years, which are the subject of my testimony, I have lived exclusively in German surroundings.

2) A large number of special and technical expressions relating to life in and about the consentration camps are purely German inventions, and no appropriate equivalent for them in any other language can be found.

Q Dr. Blaha, by education, training and profession, you are a Doctor of Medicine.

(In German)

A Yes.

Q In 1939, you were the head of a hospital in Czecho-Slovakia.

A Yes.

Q You were arrested by the Germans in 1939, were you not, after they occupied Czecho-Slovakia?

A Yes.

Q Were you confined in various prisons between 1939 and 1941?

A Yes.

A Yes.

Q From 1941 to April of 1945, you were confined at Dachau Concentration Camp.

A Yes, until the end.

Q When that camp was liberated by the Allied Forces.

A Yes.

Q You executed an affidavit in Nurnberg on the 9th day of January of this year; did you not?

A Yes.

MR. DODD: This affidavit, if it please the Tribunal, bear the Document No. 3249-PS, and I wish to offer it at this time. It is USA Exhibit 663. I feel that we can reduce the extent of this interrogation by approximately three-fourths through the submission of this affidavit, and I should like to read it. It would take much less time to read this affidavit than it would to go through it in question and answer form, for to that extent at least, it covers a large part of what we expect to elicit from this witness.

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THE PRESIDENT: Very well.

MR. DODD: I wouldn't have asked to read it if we had had time to have a Russian and French translation, but unfortunately that wasn't possible in the few days we had.

I, FRANZ BLAHA, being duly sworn, depose and state as follows:

"I studied medicine in Prague, Vienna, Strassburg and Paris and received my diploma in 1920. From 1920 to 1926 I was a clinical assistant. In 1926 I became chief physician of the Iglau Hospital in Moravia, Czechoslovakia. I held this position until 1939 when the Germans entered Czechoslovakia and I was seized as a hostage and held a prisoner for cooperating with the Czech government. I was sent as a prisoner to the Dachau Concentration Camp in April 1941 and remained there until the liberation of the camp in April 1945. Until July 1941 I worked in a Punishment Company. After that I was sent to the hospital and subjected to the experiments in typhoid being conducted by Dr. - Muermelstadt. After that I was to be made the subject of an experimental operation and only succeeded in avoiding this by admitting that I was a physician. If this had been known before I would have suffered because intellectuals were treated very harshly in the Punishment Company. In October 1941 I was sent to work in the herb plantation and later in the laboratory for processing herbs. In June 1942 I was taken into the hospital as a surgeon. Shortly afterwards I was directed to conduct a stomach operation on 20 healthy prisoners. Because I would not do this I was put in the autopsy room where I stayed until April 1945. While there I performed approximately 7,000 autopsies. In all 12,000 autopsies were performed under my direction.

From mid 1941 to the end of 1942 some 500 operations on healthy prisoners were performed. These were for the instruction of the SS medical students and doctors and included operations on the stomach, gall bladder, spleen and throat. These were performed by students and doctors of only two years training although they were very dangerous and difficult. Ordinarily they would not have been done except by surgeons with at least four years surgical practice. Many prisoners

died on the operating table and many others from later complications. I autopsied all of these bodies. The doctors who supervised these operations were Lang, Muermelstadt, Wolter, Ramsauer and Nahr. Standartenfuehrer Dr. Lolling frequently witnessed these operations.

During my time at Dachau I was familiar with many kinds of medical experiments carried on there with human victims. These persons were never volunteers but were forced to submit to such acts. Malaria experiments on about 1,200 people were conducted by Dr. Klaus Schilling between 1941 and 1945. Schilling was personally asked by Himmler to conduct these experiments. The victims were either bitten by mosquitoes or given injections of malaria sporozoits taken from mosquitoes. Different kinds of treatment were applied including quinine, pyrifer, neosalvarsan, antipyrin, pyramidon and a drug called 2516 Bohring. I autopsied bodies of people who died from these malaria experiments. 30 to 40 died from the malaria itself. 300 to 400 died later from diseases which were fatal because of the physical condition resulting from the malaria attacks. In addition there were deaths resulting from poisoning due to overdoses of neosalvarsen and pyramidon. Dr. Schilling was present at the time of my autopsies on the bodies of his patients.

In 1942 and 1945 experiments on human beings were conducted by Dr. Sigismund Rascher to determine the effects of changing air pressure. As many as 25 persons were put at one time into a specially constructed van in which pressure could be increased or decreased as required. The purpose was to find out the effects of high altitude and of rapid descents by parachutists. I have seen the people lying unconscious on



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the floor of the van through a window in the van. Most of the prisoners used died from these experiments from internal hemmorrhages of the lungs or brain. The rest coughed blood when taken out. It was my job to take the bodies out and to send the internal organs to Munich for study as soon as they were found to be dead. About 400 to 500 prisoners were experimented on. Those not dead were sent to invalid blocks and liquidated shortly afterwards. Only a few escaped.

"Rescher also conducted experiments on the effect of cold water on humans. This was done to find a way for reviving aviators who had falled into the ocean. The subject was placed in ice cold water and kept there until he was unconscious. Blood was taken from his neck and tested each time his body temperature dropped one degree. This drop was determined by a rectal thermometer. Urine was also periodically tested. Some men lasted as long as 24 to 38 hours. The lowest body temperature reached was 19 degrees C, but most men died at 25 degrees C, or 26 degree C. When the men were removed from the ice water attempts were made to revive them by artificial warmth from the sun, from hot water, from electro-therapy or by animal warmth. For this last experiment prostitutes were used and the body of the unconscious man was placed between the bodies of two women. Himmler was present at one such experiment. I could see him from one of the windows in the street between the blocks. I have personally been present at some of these cold water experiments when Rascher was absent and I have seen notes and diagrams on them in Rascher's laboratory. About 300 persons wereused in these experiments. The majority died. Of those who lived, many were rentally deranged. Those not killed were sent to invalid blocks and were killed just as were the victims of the air pressure experiments. I only know two who survived - a Jogoslav and a Pole, both of whom are mental cases.

"Liver puncture experiments were performed by Dr. Brachtl on healthy people and on people who had diseases of the stomach and gall bladder. For this purpose a needle was jabbed into the liver of a person and a small piece of the liver was extracted. No anaesthetic was used. The experiment is very painful and often had serious results as the stomach or large blood

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vessels were often punctured resulting in hemmorrage. Many persons died of these tests for which Polish, Russian, Czech and German prisoners were employed. Altogether these experiments were conducted on about 175 people.

"Phlegmone experiments were conducted by Dr. Schütz, Dr. Babor, Dr. Wieselwetter and Professor Lauer. 40 healthy men were used at a time of which 20 were given intra-muscular and 20 intravenous injections of pus from diseased persons. All treatment was forbidden for three days by which time serious inflammation and in many cases general blood poisoning had occurred. Then each group was divided again into groups of 10. Half were given chemical treatment with liquid and special pills every 10 minutes for 24 hours. The rest were treated with sulfamamide and surgery. In some cases all of the limbs were amputated. The autopsy also showed that the chemical treatment had been harmful and had even caused perforations of the stomach wall. For these experiments, Polish, Czech and Dutch priests were ordinarily used. Pain was intense in such experiments. Most of the 600 to 800 persons who were used finally died. Most of the others became permanent invalids and were later killed.

"In the fall of 1944 there were 60 to 80 persons who were subjected to salt water experiments. They were locked in a room and for five days given nothing to eat but salt water. During this time their urine, blood and excrement were tested. None of these prisoners died, possibly because they received smuggled food from other prisoners. Hungarians and Gypsies were used for these experiments.

"It was common practice to remove the skin from dead prisoners. I was commanded to do this on many occasions. Dr. Rascher and Dr. Wolter in particular asked for this human skin from human backs and chests. It was chemically treated and placed in the sun to dry. After that it was cut into various sizes for use as saddles, riding breeches, gloves, house slippers and ladies' handbags. Tattoed skin was especially valued by SS men. Russians, Poles and other inmates were used in this way, but it was forbidden to cut out the skin of a German. This skin had to be from healthy prisoners and free from defects. Sometimes we did not have enough bodies with good skin and Rascher would say, "All right, you will get the

bodies." The next day we would receive 20 to 30 bodies of young people. They would have been shot in the back or struck on the head so that the skin would be uninjured. Also we frequently got requests for the skulls or skeletons of prisoners. In those cases we boiled the skull or the body. Then the soft parts were removed and the bones were bleached and dried and reassambled. In the case of skulls it was important to have a good set of teeth. When we got an order for skulls from Oranienburg the SS men would say, "We will try to get you some with good teeth." So it was dangerous to have a good skin or good teeth.

"Transports arrived frequently in Dachau from Studthof, Belsen, Auschwitz; Mauthausen and other camps. Many of these were 10 to 14 days on the way without water or food. On one transport which arrived in November, 1942, I found evidence of cannibalism. The living persons had eaten the flesh from the dead bodies. Another transport arrived from Compiegne in France. Professor Limousin of Clermont Ferrand who was later my assistant toldme that there had been 2,000 persons on this transport when it started. There was food available but no water. 800 died on the way and were thrown out.



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When it arrived after twelve days more than five-hundred persons were dead on the train. Of the remainder most died shortly after arrival. I investigated this transport because the International Red Cross complained, and the SS men wanted a report that the deaths had been caused by fighting and rioting on the way; I dissected a number of bodies and found that they had died from suffocation, and lack of water. It was mid-summer and one-hundred and twenty people had been packed into each car.

In 1941 and 1942 we had in the camp what we called invalid transports These were made up of people who were sick, or for some reason incapable of working. We called them Himmelfahrt Commandos. About one-hundred or one-hundred and twenty were ordered each week to go to the shower baths. There four people gave injections of phenol evipan, or benzine, which soon caused death. After 1943 these invalids were sent to other camps for liquidation. I know that they were killed because I saw the records, and they were marked with a cross, and the date that they left, which was the way that deaths were ordinarily recorded. This was shown on both the card index and the records in the town of Dachau. One thousand to three thousand went away every three months so there were about five thousand sent to death in 1945, and the same in 1944. In April 1945 a Jewish transport was loaded at Dachau, and was left standing on the railroad siding The station was destroyed by bombing, and they could not leave. So they were just left there to die from starvation. They were not allowed to get off. When the camp was liberated they were all dead.

Many executions by gas, or shooting, or injections took place right in the camp. The gas chamber was completed in 1944, and I was called by Dr. Rascher to examine the first victims. Of the eight or nine persons in the chamber, there were three still alive, and the remainder appeared to be dead. Their eyes were red and their faces were swollen. Many prisoners were later killed in this way. Afterwards they were removed to the crematorium where I had to examine their teeth for gold. Teeth containing gold were extracted. Many prisoners who were sick were killed by injections while in hospital. Some prisoners killed in the hospital came through to the autopsy room with no name, or number on the tag, which

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was usually tied to their big toe. Instead the tag said "Do not dissect."

I autopsied some of these, and found that they were perfectly healthy, but had died from injections. Sometimes prisoners were killed only because they had dysentery, or vomited, and gave the nurses too much trouble. Mental patients were liquidated by being led to the gas chamber, and injected there, or shot. Shooting was a common method of execution. Prisoners could be shot just outside the crematorium and carried in. I have seen people pushed into the ovens while they were still breathing, and making sounds, although if they were too much alive they were usually hit on the head first.

The principal executions about which I know from having examined the victims, or supervised such examinations are as follows: In 1942 there were five thousand to six thousand Russians held in a separate camp inside Dachau. They were taken on foot to the Military Rifle Range near the camp in groups of five hundred or six hundred, and shot. These groups left the camp about three times a week. At night they would bring them back in carts drawn by prisoners, and we would examine them.

In February 1944, about forty Russian students arrived from Moosburg. I knew a few of the boys in the hospital. I examined them after they were shot outside the crematory. In September 1944 a group of ninety four high ranking Russians were shot, including two military doctors who had been working with me in the hospital. I examined their bodies. In April 1945, a number of prominent people were shot who had been kept in the bunker. They included two French Generals, whose names I cannot remember, but I recognized them from their uniform. I examined them after they were shot. In 1944 and 1945 a number of women were killed by hanging, shooting, and injections. I examined them and found that in certain cases they were pregnant. In 1945 just before the camp was liberated all "Nacht and Nebel" prisoners were executed. These were prisoners who were forbidden to have any contact with the outside world. They were kept in a special enclosure, and were allowed no mail. There were thirty or forty, many of whom were sick. These were carried to the crematory on stretchers. I examined them and found they had all been

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shot in the neck.

From 1941 on the camp was more and more overcrowded. In 1943 the hospital for prisoners was already overcrowded, and in 1944 and in 1945 it was impossible to maintain any sort of sanitary condition. Rooms that held three hundred or four hundred persons in 1942 were filled with one thousand in 1943, and in the first quarter of 1945, already two thousand or more of the rooms could not be cleaned because they were too crowded, and there were no cleaning materials. No baths were available for months at a time. Latrine facilities were completely inadequate. Medicine was almost non-existent. But I found after the camp was liberated that there was plenty of medicine in the SS hospital for all the camp, if it had been given to us for use.

New arrivals at the camp were lined up out of doors entirely naked for hours at a time. Sometimes they stood there from morning until night. It did not matter whether this was in the winter, or in the summer. This occurred all through 1943 , 1944 and the first quarter of 1945. I could see these formations from the window of the autopsy room. Many of the people who had to stand in the cold in this way became ill from pneumonia and died. I had several acquaintances who were killed in this manner during 1944 and 1945. In October 1944 --"

THE PRESIDENT: Too fast, sir. Yes.

MR. DODD: "In October 1944, a transport of Hungarians brought spotted fever into the camp, and an epidemic began. I examined many of the corpses from this transport, and reported the situation to Dr. Hintermayer, but was forbidden on penalty of being shot to mention that there was an epidemic in the camp. No preventive measures were taken at all. New healthy arrivals were put into blocks where an epidemic was already present. Also infected persons were put into these blocks. So the thirtieth Block, for instance, died out completely three times. Only at Christmas when the epidemic spread into the SS camp was a quarantine established. Nevertheless, transports continued to arrive.

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We had two huhdred to three hundred new typhus cases a day, and one hundred deaths caused by typhus a day. In all we had twenty eight thousand cases, and fifteen thousand deaths. In addition to those that died from the disease, my autopsies showed that many deaths were caused solely by malnutrition. Such deaths occurred in all the years from 1941 to 1945. They were mostly Italians, Russians and Frenchmen. These were just starved to death. At the time of death they weighed fifty to sixty pounds. Autopsies showed that their internal organs had often shrunk to one-third of their normal size.

The facts stated above are true: This declaration is made by me voluntarily, and without compulsion: After reading over the statement I

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have signed and executed the same at Nurnberg, Germany, this 9th day of January, 1946.

(signed) Dr. Franz Blaha."

Subscribed and sworn to before 2nd Lt. Daniel F. Margolies.

DIRECT EXAMINATION
(resumed)

Q Dr. Blaha, will you state whether or not visitors came to the camp of Dachau while you were there?

A Many visitors came to our camp from different places, or towns, but for a few times it happened that we didn't see these visitors in camps, but in previous meetings. Almost every day there was a visit, or excursion, of military men, politicians, groups of students, medical groups, and other such groups. Even policemen, SS and Army priests came also.

THE PRESIDENT: Will you pause a little so as to give the interpreter time for his words to go through, do you understand?

THE WITNESS: Yes. Also a few public speakers appeared there. They made inspections month by month, and a general inspector of the Inspectors Concentration Camps made a general inspection. Then the inspector of the medical station made a visit. Also Dr. Lolling, and other personalities.

MR. DODD: The President of the Tribunal suggests you pause, and it would be helpful if you paused in the making of your answers so the interpreters can complete their interpretation.

THE WITNESS: Yes.

Q Are you able to state how long these visits lasted on an average?

A That depended on what sort of visits were being made. That is, in general thirty minutes to an hour, sometimes. Sometimes three hours.

Q Were there prominent government people who visited the camp at any time while you were there?

A When I was there many government personalities came to the camp. Heinrich Himmler who came to Dachau several times, and also was present at the experiments. I was present myself at that time. Other personalities also were there. I myself there had seen three ministers of state, and of

H0034-0062

others I heard through the political prisoners that they were in the camp. I also saw two high Italian officers, and once an Italian officer --- or rather a Japanese officer.

Q Do you remember the names of any of these prominent government people, or do you remember more particularly whom any of them were?

A Yes. Besides Himmler, Warlimont, Gauleiter Wagner, Gauleiter Giesler, Minister Frick, Rosenberg, Funk, Sauckel, Kaltenbrunner, and the General of Police, Daluege, and others.

Q There were people whom you have just named that took tours in the camp while you were there?

A In general the tours were so arranged that the visitors were first taken to the kitchen, and then to the laundry; then to the hospital, and in general to the surgical station, and then to the medical station of Dr. Schilling, and to the experimental station of Dr. Rascher, and then they continued the visits to a few barracks; particularly those of the Germans, where German political prisoners were kept. Occasionally, also, the chapel and the barracks for German priests. Occasionally, these visits were only visits where many personalities were taken around and introduced. It was so arranged that first of all a professional criminal was introduced to the group as a murderer. Then, secondly, the Mayor of Vienna, Mr. Schmitz, was presented to the group, and then a high officer; then a homosexual, a gypsy, a Catholic Bishop, or other high Polish churchman, and then a professor, a university professor, so the visitors there could have amused themselves while on their visit.

Q Did I understand you to name Ernst Kaltenbrunner as one of those visitors there, or not?

A Yes, Kaltenbrunner was also present. He was there at the same time as General Daluege. That was, I believe, in the year 1943. I was particularly interested in Daluege after Heydrich's death, and he became protector of Bohemia and Moravia, and I was a Czech.

Q Did you see Kaltenbrunner there yourself?

A Yes. He was pointed out to me. I had previously not seen him.

Q I understood you to name Frick as one of those whom you saw there?

A Yes, he was, in the year of 1944, the first part, or first half of 1944.

H0034-0063

Q Where in the camp did you see him?

A I saw him from the hospital window as he was coming to the hospital with his staff, and in company with several other people.

Q Do you see the man that you saw there that day by the name of Frick in this Courtroom now?

A Yes. The fourth man in the first row from the witness right.

Q I understood you also named Rosenberg as one of those whom you saw there?

A I can recall that it was shortly after my arrival in the concentration camp at Dachau that the visit took place. At that time my German comrade pointed Rosenberg out to me.

Q Do you see that man in the Courtroom now?

A Yes. He is two farther to the left of the man I previously mentioned.

Q I also understood you to nameSauckel as one of those who was present in that camp?

A Yes, but that I didn't see him personally myself, I simply heard that he had visited a certain munition plant there, that was in the year of 1943

Q Was it the general knowledge in camp at that time that the man named Sauckel visited the camp, and particularly the munition plant?

A Yes, that was general knowledge in the camp.

Q I understood you to name one of those who visited this camp as Funk?

A Yes. He was also present at a visit, and I can remember it was at the same time as a conference of the Economic Ministers of the Axis countries at Reichenhall. It was the custom on such occasions when there was a Party convention, or celebration in store in Munich, or Berchtesgaden, or elsewhere, that several personalities would come from the conference to Dachau for a visit. That was also the case in the matter of Funk.

Q Did you personally see Funk there?

A No, I didn't see Funk personally, but I simply found out that he was there

Q Was that general knowledge in the camp at that time?

A Yes, that was general knowledge. We knew that beforehand that he was to come.

Q Were there visits after the end of the year of 1944, or any month of 1945?

A There were a few visits, but very few of them, because there was a typhus

H0034 - 0064

epidemic in the camp at the time, and the camp was under quarantine.

Q Doctor, you are now a Director of a hospital in Prague, are you not?

A Yes.

MR. DODD: I have no further questions to ask of the witness.

THE PRESIDENT: You are through here. Do any other counsel for the prosecution wish to ask any questions? Colonel Pokrowski? We will adjourn for a ten minute recess.

(A recess was taken from 1525 to 1535).

H0034 – 0065

COL. POKROWSKI: I would like to ask permission to ask this witness several questions.

BY COL. POKROWSKI:

Q Tell us, witness, do you know what were the particular functions or aims at the concentration camp at Dachau, whether it was really a concentration labor camp or whether it was a camp of annihilation?

A Until the year 1943 it was really an extermination camp. In the year 1943 there were a good many factories and munitions plants in the camp, and particularly after bombardments, and then it became more a work camp. But so far as your people are concerned no distinction was made, because the prisoners had to work. Difficult work more or less took the place of the blows and starvation that was previously their meat.

Q I must understand you this way, that, in fact, even up to 1943 and since 1943 Dachau was a camp of annihilation, but there were different ways of annihilation.

A That is so.

Q How many, according to your own observations, went through this camp of annihilation; how many internees came originally from the USSR; how many passed through the camp?

A I cannot state that exactly, only approximately. Since November, 1941, it was exclusively Russian prisoners of war in uniform. They had an additional camp and were liquidated in a few months. In the summer of 1942 those who remained of these 12,000 prisoners of war were transported to Mauthausen, and, as I found out from the people who had returned from Mauthausen to Dachau, they were liquidated in gas chambers.

After the Russian prisoners of war, Russian children were brought to Dachau. There were, I believe, 2000 children from the years of 6 to 17. They were housed in two special barracks.

H0034 - 0066

They were given special guards to beat them up.

THE PRESIDENT: You are going too fast.

BY COL. POKROWSKI:

Q What do you mean when you refer to green freshmen?

A Those were the so-called professional criminals. They beat these young boys and gave them the heaviest sort of work. They worked particularly in the plantations where they made sewing machines, plows. They were made to pull the farm machinery instead of machines. They were used also in all transport commandos. Exclusively Russian children were used here.

They, up to a minimum of 70 per cent, died of tuberculosis, and those who remained were then, at the end of 1943 or the beginning of 1944, taken to a special camp in Tyrol.

Then, after the children, several thousand of the so-called Eastern workers were transported to Dachau. Those were the civilian leaders, the civilian people who were transported from the East into Germany, and then because of so-called work sabotage were put into concentration camps.

Further, there were at Dachau the many Russian officers and intellectuals.

Q I would like to ask you to be more exact or concrete in your answers in regard to the people whom you call green or new. Did I correctly understand you when you say that those criminals were being used as supervisors over those people who were recently coming in the camp?

A Yes.

Q And the children were given under full charge of those professional criminals so that those children could be beaten, ill-treated and sent to such unbearable work, labor, which resulted in their tuberculosis?

A Yes.

H0034-0067

Q What do you know in regard to executions of the citizens of the USSR which happened, which were being carried on in this camp?

A I believe that I am not far from the truth in saying that almost every one of all those executed--at least 75 per cent were Russians, and in such a way that men as well as women were brought to Dachau from outside for the purpose of their execution.

Q Can you tell us in greater detail in regard to the execution of 94 high field and staff officers of the Red Army, which you already spoke about in reply to the question of my colleague? Who were those officers? What were the reasons for their execution? Do you know anything at all about it?

A In the summer or the early spring of 1944 higher Russian officers, generals, colonels, and captains were sent to Dachau. During the next few weeks they were investigated by the political division. That is to say, during each interrogation they were beaten badly and brought to the camp hospital, so that I saw some of them and knew them. I knew those who for weeks simply had to lie on their bellies, and they had to remove by operation those parts of their bodies that had died. Many succumbed to these methods of interrogations. The others were then, on orders from Berlin, the RSHA, at the beginning of September 1944, in number 94 people, brought to the crematory, and there on their knees shot at the base of the skull.

Further, later on in the winter and spring of 1945 several Russian officers were brought to the crematory and there either hanged or shot.

Q The same kind of question I would like to ask you about the execution of the 40 students. Can you give us a few details about the execution?

A Yes, these Russian students and intellectuals--I can recall that a doctor was also among their number--were brought

H0034-0068

from another camp to Dachau, and after one month they were all executed. That was in March of 1944.

Q Do you happen to know what was the reason for their execution?

A The order for it came from Berlin. We did not discover that there was any justification. We first saw the

H0034 - 0069

bodies only after the execution.

Q In such a way this execution produced an impression of one of the stages of the general plan of annihilation of the people who entered Dachau?

A Yes. That was the case in all executions and in all transport of invalids, as well as in the case of the epidemics. It was easy to see that this was all part of the general plan of extermination, and particularly--and this I must emphasize--the Russian prisoners were always treated the worst of all.

Q Would you be so kind as to say what is known to you in regard to those internees which were labeled or which were in the category "nacht und nebel," night and fog? Were there many of them? Do you know the reason why they were classified and sent to the concentration camp?

A Many prisoners, the so-called "nacht und nebel", night and fog prisoners, came to the concentration camp, and under this designation there were mostly people from the Western countries of Europe, particularly Frenchmen, Belgians and Dutchmen.

Of the Russian people--and this is also the case with the Czechs--many of these people were shortly before the liberation, on the order of the camp commander, executed, that is, shot in front of the crematory. Among these people, the French and Russians, many of whom had serious cases of typhus and with a temperature of 40 degrees Centigrade, were carried on stretchers to the place of execution.

Q It seems to me that you mentioned something about a considerable number of the prisoners who died of starvation. Could you tell how bjg that number was, the number of people who died of starvation?

A I believe that two-thirds of the entire population of the camp died or rather suffered of severe malnutrition, and that at least 25 per cent of the population of the camp died as a direct result of starvation. It was called in German "hungertyphus," hunger typhus. Tuberculosis was the most widely spread disease in the camp which spread for this reason, I mean for the reason of starvation, and it raged and took its most sacrifices among the Russians.

Q It seems to me that you said, answering the question of my colleague, that the majority of those who died of starvation and exhaustion was composed of French, Italians, and Russians. How do you account for the fact that those categories of prisoners died more than other people?

A Yes.

H0034-0070

Q How do you explain that particularly among the Russians, the French and the Italians was the biggest number of people who died of starvation? Was there any difference in feeding of prisoners of different nationalities, or were there any other different reasons?

A The case was this, that the others, the Germans, the Poles, Czechs, who had already been in the camp for some time had had time to adjust themselves to it, if one can so express oneself. I mean adjust themselves physically. The Russian population of the camp changed rapidly. The same was true of the French and the Italians. Further, these three nations had already suffered from malnutrition in other camps so that they then fell easy prey to the epidemics and sicknesses in the camp. Also, the Germans, Poles, and several others from the year 1943 on, who had worked in the armaments industry, had had opportunity to get nourishment from their homes. That was of course not the case with citizens of Soviet Russia or France.

H0034 - 0071

Q Can you answer this question as to what Rosenberg, Kaltenbrunner or Funk -- what did they see in the Dachau concentration; do you know what was shown them?

A I had no opportunity to follow the course of these visits. That occasions was afforded only very seldom. One could occasionally see these visitors from the window and could observe where they went. I had occasional opportunity to see Himmler, Obergruppenfuehrer Pohl, and Gauleiter Geissler. In the case of these men I was present when they visited the experiments or the patients in the hospital. Of the others, I do not know what they visited in those individual cases.

Q Perhaps you had an opportunity to observe the length of the visit of those people in the camp, whether the visit was short, brief, just for a few moments, or were to stay there for a long period. I have in mind Rosenberg, Kaltenbrunner and Sauckel.

A That depended. Many visitors were there only for half an hour. Many spent as many as three hours there. We were always able to observe that very well because at those times no work could be done. We did not carry on our work in the hospitals during those times and had to wait until the signal was given to us that the visitors had already left the camp. Otherwise, I'm not able to judge the individual cases or how long they spent in the camp.

Q Can you recall Kaltenbrunner's visit, Rosenberg's function, and Sauckel's? If we want to classify them the same way as you mention now, whether they were brief visits or whether those people stayed there for several hours? Did you understand my question?

A Unfortunately, I cannot make a statement on that because, as I said, the visits were such a matter of course; it happened so often that I have difficulty even remembering the year and cannot recall whether they stayed for a shorter or longer time. There were visits, for instance, from schools, from the military and police schools, and sometimes it lasted a whole day.

COL. POKROWSKI: Thank you. I have no further questions of this witness at this stage of the sitting.

H0034-0072

BY MONSIEUR DUBOST:

Q You have alluded to a convoy of French deportees who came from Compiegne, of whom only 1,200 survivors survied. Were there any other convoys?

A Yes. There were transports, particularly from Bordeaux, Lyons, and Compiegne, all in the first half of the year 1944.

Q Were all the transports carried out under the same condition?

A All the circumstances surrounding these transports, if they were not identical, at any rate very similar.

Q Each time upon the arrival you were able to see that there were numerous victims?

A Yes.

Q What were the causes of decease?

A The causes of death were those resulting from the fact that the people were packed too closely into the cars, which were then closed and then for several days kept there without any food or water. Usually they were simply starved or suffocated. Of those who survived we took many to the camp hospital, and again a large number of these people died of various complications and sicknesses.

Q Did you make autopsies of the people who died during the transportation?

A Yes, particularly in the transport from Compiegne my services were demanded because the rumor was spread that the French had attacked the Fascists in the cars and had died of the riots that followed. I had to autopsy these people, but in no case did I find any signs of violence. Moreover, I took ten corpses for an examination, dissected them, and sent a special report on them to Berlin. These people had died of suffocation. I could also determine during my autopsy that these were prominent people of France. I could tell this from their uniforms and insignias. I could determine that they were high French officers, priests, representatives, and well-fed people who had been taken from civilian life directly into the cars and sent to Dachau.

Q After the reports which you sent to Berlin - the conditions under

H0034 - 0073

which the transports were made, were they the same after these reports that you sent?

A Nothing happened, as usual, or it happened always that long reports were written out but nothing was ever improved.

Q You indicated that some French generals had been put to death shortly before the liberation of the camp. Do you know the names of these generals?

A Unfortunately, I have forgotten these names. I can simply remember that the prisoners who were kept in the same barracks with them, namely, the prominent personalities from Germany and other countries. Pastor Niemueller was among them - a Prussian prince, Schuschnigg, members of the French Government, and several others. These people told me that one of the generals who had been shot was a close relative of General De Gaulle. I have unfortunately, forgotten his name.

Q If I have properly understood, these generals were prisoners of war who had been transported into this concentration camp?

A These two generals never got to the concentration camp along with the other prominent personalities. They were kept in so-called"Kommandatur Arrest"in separate barracks, not in the camp. On the various occasions on which they needed medical attention I had a chance to get in touch with them, but that was infrequently. Otherwise, with the other prisoners they did not come into any touch at all.

Q Did they belong to the category of the deportees whose return was not desired or were they of the category of the "Nacht and Nebel" deportees?

A I do not know. Two days previously all the others who were kept in that barracks were transported in special trains to the Tyrol. That was, I believe, a week or eight days before the liberation.

Q You indicated that numerous visitors, military visitors, students, political men, and German military men had visited the camp on numerous occasions. Can you say if any common people, workers, also passed through this camp?

A In my opinion, the people who lived in the neighborhood of Munich

H0034 - 0074

must have known of these things because they had daily opportunity in the various factories in Munich and the surrounding neighborhood to come into contact with the civilian workers in these factories, moreover,

H0034-0075

on the plantations, in the factories of the munitions industry have entered these places and must have seen what was done to the prisoners and how they appeared.

Q Can you say in what way the French were treated?

A When I said that the Russians were treated worse of all, the French came in second order. Obviously, differences were drawn between the treatment of individual people. There were also the "Nacht and Nebel" prisoners who were treated one way and the prominent political personalities and intellectuals, and that is true of all nations, and then again the workers and peasants were treated in a different way.

Q If I understood correctly, the treatment reserved for the French intellectuals was particularly rigorous. Do you remember the treatment inflicted on some French intellectuals and can you tell us their names?

A I can recall that I had many comrades among the physicians and university professors who worked with me in the hospital. Unfortunately, a large number of them died of typhus. Of the French, in general most of them died of typhus. I can remember, best of all, Professor Limousin. He arrived in very poor condition in the transport from Compiegne. I used him in my department as pathologist and assistant. Then I also knew the Bishop of Clermont-Ferrand. There were also physicians and university professors there whom I knew. I remember Professor Rosch, Doctor Lemartin, and many others. I have forgotten the other names.

Q In the course of the conversations which you had with Docotor Rascher were you put in touch with the aim of the experiments which he was conducting?

A I didn't understand the question.

Q Did you find out the aim of the medical experiments, the biological experiments, made by Doctor Rascher within the camp itself?

A Yes, Doctor Rascher conducted distinctly the air-pressure experiments in the camp. He was a major in the air force and was commissioned to investigate the conditions to which parachutists were subjected, and secondly, the conditions of those people who had to bail out into the sea, and to study them. According to scientific rules, so far as I can judge, it had no purpose at all, and as in the case of all these experiments, it was simply a useless piece of murder, and one must be astounded, particularly at intellectuals, that university professors and physicians were able to carry out these experiments in so planful a way,

H0034-0076

which were much worse than all the liquidations and executions, because all the victims of these experiments simply had their misery prolonged with various medical means, such as hormones, vitamine injections, and so on, which were then not available to the usual patients, and were provided to these experimental patients simply so that the experiments might last longer and give the experimenters more time to observe their victims.

Q Speaking for the moment of the experiments of Doctor Rascher, had he received the order to make these experiments or was he making them on his own initiative?

A Those experiments were made on Himmler's direct orders, and also, Doctor Rascher was in direct, friendly contact with Himmler. Himmler visited Doctor Rascher very often, as did Doctor Rascher often visit Himmler.

Q Do you have any information regarding the quality of the doctors who were making these experiments? Were they always SS men or were they doctors who were members of faculties of medicine academies but not belonging to the SS?

A That depended. For example, in the malaria station Professor Klaus Schilling, of the Koch Institute in Berlin, was in charge. The Phlegmone Station also had several university professors. The surgical station was manned solely by SS doctors. In the air force station they were solely SS and military people. It wasn't always the same. Doctor Bleibeck from Vienna conducted the air-

H0034-0077

pressure experiments.

Q. Were these studies that were made for the Luftwaffe made on the order of Himmler?

A. Yes, Himmler.

Q. Do you know -- this is the last question -- how many French prisoners passed through this camp?

A. I believe it was at least eight to ten thousand who arrived at the camp. I know, furthermore, very well that, particularly during the last days, several thousand of French prisoners were brought from the Western camp and had to march on foot, and that only small remnants of those who originally left there arrived here.

M. DUBOST: Thank you.

BY THE PRESIDENT:

Q. Can you tell us to what branches of the German service those who were employed at the camp belonged?

A. If I understood you correctly, besides the highest commander all the matters that took place in the camp were under the direction of the RSHA. All orders came from Berlin, also in the experimental stations. A certain and very specific contingent number of the objects of the experiments were determined in Berlin, and when the experimenting doctors needed a larger number, the request for them had to be sent to Berlin.

Q. Yes, but what I want to know is to what branch of the service the men belonged who were employed in the camp.

A. SS people and, most of all, SD. During the last days, at the very end, a few members of the Wehrmacht were there, but in general it was only the SS.

Q. Were there any of the Gestapo there?

A. Yes, that was the so-called political division. They were provided by the Munich Gestapo. They had control over all the orders and executions and also for the transport of invalids; also all the people who were provided for the experiment. These people had to be approved by the political division.

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THE PRESIDENT: Do any of the defense counsel want to cross-examine the witness?

DR. SAUTER: Dr. Sauter for the defendant Funk.

CROSS-EXAMINATION BY DR. SAUTER:

Q. Witness, you told us that at one time the defendant Funk was at Dachau, and you informed us, if I understood you correctly, that that took place on the occasion of some celebration or conference between the Axis Powers. I ask you to exert your memory a bit and tell me when that was. At the same time you might tell us the year and the season and perhaps precisely which political celebration is here in question.

A. So far as Funk is concerned, I believe that it was a conference of finance ministers. It was also written up in the papers. They said it was to take place, and in that case we already knew ahead of time that some of the ministers were to come to Dachau. Then, as a matter of fact, in the next few days such visit was paid and it was said that Minister Funk was among them. It was, I believe, in the first half of 1944. I cannot say that absolutely precisely.

Q. In your memory, then, at the beginning of 1944, on the occasion of a conference of finance ministers, where did that conference take place?

A. If I remember correctly -- I didn't write that down, of course -- that was either in Salzburg or Reichhall, or Berchtesgaden; somewhere in the neighbourhood of Munich.

Q. From whom did you find out that in the next few days a visit from high persons would take place?

A. We always received instructions that we should make preparations for such a visit. Elaborate preparations were always made; everything was cleaned up, everything was brought into order. And those people whose presence might not be desired, or whose presence might be dangerous, were obliged to disappear. So, in the case of all such large visit, we were informed two or three days ahead of time, by the Camp Commandant. And these visits were also, always, accompanied by the Camp Commander.

H0034 - 0079

Q. Now, if you know that the Defendant Funk was there and mention was made of it at that time, then discussions must have taken place in the camp. What other people were in the same group?

A. I cannot remember. There were always many and different personalities.

Q. That does not interest me. I am interested only in whether or not at that particular visit, in which Funk was present, word was not passed around the camp that such and such another person was there.

A. No, I cannot remember that now.

Q. Can you remember whether afterwards, perhaps on the next day or the day after, something was said about that, perhaps by people who had seen the visit?

A. Yes, we always discussed such visits; but now I can no longer remember precisely who were named at that time.

Q. Witness, I am not interested in any other visit, but in this specific visit. In this case I should like to know whether you can say anything at all about who else besides Funk was part of that visit.

A. That I cannot say: there were so many visits. For instance, after one visit, the very next day there would be another visit announced.

Q. Now, you remember the visit that Funk made also? For instance, other finance ministers were there. Could you, perhaps, recall these other people?

A. No, I cannot remember. Many of the people with whom I spoke did not know these other people.

Q. Do you know which parts of the camp were visited by the visit of which Funk was a part?

H0034 - 0080



A No; at least, the visitors did not come to the Surgical Department.

Q But you were informed and prepared?

A Yes. All departments had to be prepared, even if the visit did not come to their department. That is, several times it happened to me that a visit was announced, and then, for one reason or another, nothing came of it.

Q Witness, as regards these observations of yours that you have related to us today, have you been interrogated on them several times?

A I was interrogated on these matters for the first time before the Military Court at Dachau.

Q Did you at that time say something to indicate--

A (Interposing): I repeat, at the Military Court at Dachau.

Q Did you say something to the effect that Funk had been present at Dachau?

A Yes, I said the same thing to the Military Court at Dachau, also as regards Funk.

Q But is it true, witness--I ask again whether it is really true, because you are here as a witness under oath. I ask again if that is true.

A Yes.

Q You were interrogated the day before yesterday?

A Yes.

Q Did you, at that time, also make these statements about Funk?

A I said the same thing while I was being examined by the Prosecution.

Q Is that also in the document that you signed?

A I signed no protocol.

Q You signed no protocol?

A No; I simply signed what was just read by the Prosecution.

Q Well, that is a protocol.

A Yes, but in that protocol there is no mention of these visits.

Q That was asked me orally, and the prosecuting attorney had informed me that these matters would be taken up in cross-examination during the Court's session.

H0034-0081



Q Were you also told where the defendants sit in the Tribunal?

A No. Before the Court session I was shown pictures of the defendants and I was asked to identify the various people before the Court. The three whom I mentioned today I was able to identify and to state that I had seen them personally. Funk and the others I did not name as ones whom I had seen. I did not say that I had personally seen, nor did I say that could identify them.

Q But when the pictures were shown to you you saw these defendants in the pictures?

A Yes.

Q Now, if I understand you correctly, you knew today precisely where Funk or Frick or anyone else was actually sitting?

A Funk I do not know personally, because I did not see him at that time.

Q Did the pictures that were shown to you at Dachau, did not those pictures say--were you not told, "This is Funk; look at him and tell me if you recognize him"?

A No; that was done entirely differently.

Q How?

A The individual pictures were shown to me and I was to say which of those individuals I had seen at the camp at Dachau. Of those people I named the aforementioned three. Of the others--as to the other pictures there was no discussion whatsoever.

Q Dr. Blaha, during your previous interrogation you were asked by the President, or one of the prosecuting attorneys--you made a statement, I believe, in the Czech language.

H0034 - 0082

A No.

Q What then?

A In German.

Q Now, everyone heard that that was not German; it was apparently Czech.

A Yes, the original sentences.

Q I ask you to state and to repeat the sense pretty literally of what you actually said at that time, because that interestsus from the point of view of the Defense.

A I believe that an English translation of this Czech statement was included in the protocol.

Q Please repeat what you said then.

A I said that I am ready, because it is technically impossible to use my native tongue, that I was ready to speak in German, because all these matters that occurred during the last seven years and that are now the object of the trial took place in German surroundings, and also the special and technical expressions that were used in the camp can only be said in German and cannot be translated into any other language. Such expressive terms cannot be turned into other languages.

DR. SAUTER: I have no further questions, Mr. President.

BY DR. THOMA (Counsel for Defendant Rosenberg):

Q Witness, was there a demand of silence for the inhabitants of the concentration camp at Dachau?

A No. Of course, if someone was let out of the camp by the Gestapo--and those were very few cases particularly in the case of the Germans--then it was necessary..

THE PRESIDENT (interposing): More slowly, please.

A (continuing) .. then the person who was let out had to sign a statement with the so-called duty to silence.

BY DR. THOMA:

Could the people who inhabited the camp and who worked outside

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the camp, could they talk about conditions in the camp?

A Yes, there were opportunities, because the people worked in the same rooms and factories as civilians. That was so in the German munitions industry, on the plantations, and in all factories in Munich and surroundings.

Q If I understood you correctly, you said previously that the people who delivered things to the camp also had an opportunity to observe the conditions in this camp.

A Yes. Many of these people saw the whole plantation, as well as the various manufactories and factories. They went through these institutions and saw the life there in all its details.

Q And what did they see there in the way of torture and mistreatment?

A No, they saw how they worked; they saw what their appearance was and what was done there. For instance, I can remember one example very specifically. At that time I was working on the herb plantation. We were pulling a heavy steam roller; 16 men and an excursion of girls passed. When they passed the leader said very loudly, so that we might all hear it, "Look, those people are so lazy that they would rather pull that roller alone than take the trouble to hook a horse to it."

Q Witness, when did you have occasion to tell other people about those terrible cruelties that you saw in the camp? The first occasion after you left the camp?

A Please repeat.

Q When did you first have an opportunity after your liberation from the concentration camp to tell an outside person something about the terrible cruelties?

A Immediately after my liberation. I was at that time, as chief physician of the concentration camp, interrogated by the American investigating court, and it was to this court that I told

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for the first time these things, and I also offered them various proofs, the case histories and the story of these experimental stations. All these things I turned over to the Americans before they were destroyed by fire.

Q So that the Prosecuting Attorneys believed the statements you made without any further question?

A Yes.

Q Witness, you said that the Defendant Rosenberg was showed to you in the concentration camp when he was there.

A Yes.

Q When was that?

A In the year 1941; first half of 1941.

Q First half?

A I believe so, yes.

Q Can you remember?

A I arrived at Dachau in April, so it was perhaps from April to July. I believe that it was so.

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Q Was Rosenberg at that time in uniform?

A Yes.

Q In what uniform?

A I believe it was an SS uniform.

Q So, an SS uniform.

A But I cannot say that very precisely, but he was in uniform.

Q All right, you remember that it was an SS uniform, a black uniform?

A No, at that time the SS did not any longer wear the black uniform because before the beginning of the war they wore field uniforms and others and it was a gray uniform.

Q A gray uniform?

A Well, whether it was gray or yellow or brown I don't remember any more.

Q That is rather important, just whether it was brown, yellor, or gray. Was it a field uniform?

A I do not any longer remember because from 1939 on I wasin the concentration camp and was not familiar with the various German uniforms and categories of the Army and so forth.

Q But you just said that during the war they changed the uniform.

A Yes, the people in the Gestapo also changed their uniforms. When I was taken prisoner in 1939, all Gestapo personnel wore this black uniform. After the beginning of the war, most of them wore either green or gray uniforms.

Q May I ask you again: Did Rosenberg have a civilian or war uniform on?

A I believe it was a war uniform.

Q The Defendant Rosenberg was pointed out to you by another comrade?

A Yes.

Q At what distance?

A Well, he was going down the camp street. That was perhaps 30 or 40 meters; 30 steps, 30 paces, 30 meters.

Q And had you previously seen pictures of Rosenberg? Was the name Rosenberg already familiar to you?

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A Yes.

Q And when this comrade showed you Rosenberg, did it happen this way, that he said, "This is Rosenberg"? Did you recognize him already from having seen him in the cinema?

A I can't remember that now. When he showed him to me I did remember that I had already seen pictures of him in newspapers and recognized him in that way.

Q Could I ask you to describe to me the precise event, where you were standing, who was there, what road Rosenberg took, and exactly what happened?

A I recognized in his company the Camp Commander Pierkowski, then the Lagerfuehrer Ziel, and Hoffmann. I recognized all of them.

Q You were in your room and were looking out the window?

A No, we were on the so-called Block Street, on which the visit passed.

Q What was said to you?

A "Look, there goes Rosenberg."

Q Was Rosenberg alone?

A No, he was with the others whom I mentioned.

Q That is to say, only with the camp commander?

A No, with many other people.

Q That is to say, he had a staff with him?

A I don't know whether that was Rosenberg's staff, but there were many people with him.

Q Witness, the Defendant Rosenberg assures me most definitely that he has never been to the concentration camp at Dachau. Is any error possible here?

A I do not believe that I have made a mistake. The German who told me that that was Rosenberg knew him very well.

Q How do you know that?

A Because he told me that so definitely. Otherwise, I have no other way of determining that.

THE PRESIDENT: Dr. Thoma.

DR. THOMA: Yes.

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THE PRESIDENT: You will forgive me if I point out to you that this is intended to be an expeditious trial and that it is not right to take up too much time upon small points like this.

DR. THOMA: My Lord, I ask the permission to remark that the decision whether or not Rosenberg was at the concentration camp is a very important question of decisive significance.

BY DR. FANNENBECKER (Counsel for the Defendant Frick):

Q The Defendant Frick states that he was never in Dachau Concentration Camp. I should like, therefore, in order to clarify the question, to ask the

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following question:

How far away were you when you saw Frick from the window?

A I saw him from the window as he passed with several people in his company.

Q Did you know Frick before?

A Yes, from pictures.

Q So, from pictures. Did you recognize him yourself or did some friend tell you that that was he?

A Several of us saw him and I looked at him particularly because at that time he was already Protector of Bohemia and Moravia. For that reason I had a personal interest in recognizing him.

Q Did Frick wear a uniform?

A I do not believe so.

Q Did you recognize anybody who was with him, anyone from his staff or from the leadership of the camp?

A I didn't recognize any staff members of his, but the camp commander was there, Commander Weiter and his adjutant Otto.

Q Could you name anyone of your comrades who also recognized him?

A There were many friends of mine who at that time were standing at the window. Unfortunately, I cannot say now, because as you should understand, so many events took place in the concentration camp that one cannot keep these things separate in one's memory. One remembered only the larger events.

Q Did you recognize him immediately as he passed by, or had they already told you that he would be there?

A No, he was not discussed beforehand. It was simply told us that a visit of important people would take place, and we were waiting for this visit. We were not told who would be part of this visit.

Q Did you recognize Frick immediately in the court here, or did you know beforehand that he was sitting in the fourth place in the dock?

A No, I recognized him very well on my own, because I had seen several pictures of him, because he was a very popular person in Bohemia and

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Moravia.

Q You believe that no error could have taken place here?

A I believe so.

DR. PANNENBECKER: May I then ask the Court whether Frick might not himself take the stand to testify that he never visited Dachau, and that he might be confronted with the witness?

THE PRESIDENT: Counsel for the Defendants will understand that they will have the opportunity when it comes to their time to present their cases to call all the Defendants, but they will not have an opportunity of calling them now. They will have to wait until the case for the prosecution is over and they will then have an opportunity of each of them calling the Defendant for whom they appear if they wish to.

DR. PANNENBECKER: I simply thought that since the witness was now here we might now have that confrontation.

THE PRESIDENT: It is now 5:00 o'clock and unless you are going to be very short -- are you going to be very short?

DR. KUBUSCHOK: Short, yes.

BY DR. KUBUSCHOK (Counsel for the Political Leadership Corps):

Q You said that when prominent visitors came to the camp, previously extensive preparations were made. You said in your statement that unwelcome individuals were removed. Could you supplement that statement? I am interested to know the purpose of these preparations.

A That is to say, everything had to be in order. In our case, all the patients had to be lying quietly in bed; everything was washed up, repaired; the instruments were polished, and this was usual in the case of visits from high places. No operation, no bandages nor food were given out before the visit was terminated.

Q Could you tell me what unwelcome persons were to be removed, as you said before?

A Well, people -- the Russians were hidden away. It was said that they were afraid of possible demonstrations or assassinations.

Q Were prisoners kept at a distance because their persons showed signs of ill-treatment?

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A It is perfectly understandable that before visits nobody was beaten or hanged or executed.

Q Summing up, the purpose of these preparations was to spare the guests a view into the real concentration camp?

A Not into the cruelty that characterized the camp.

THE PRESIDENT: The Court will not sit in open session tomorrow, Saturday, and will only sit in the morning on Monday because there is work to be done in the closed session tomorrow and on Monday afternoon. I thought it would be convenient for Counsel to know that.

The Court will now adjourn.

(Whereupon at 1705 hours the hearing of the Tribunal adjourned to reconvene at 1000 hours, Monday, January 14, 1946).